

# THE LONDON MAGAZINE:



Or, GENTLEMAN's Monthly Intelligencer.

For MARCH, 1775.

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With the following Embellishments, viz.

HEAD of PUGATSCHEW, the RUSSIAN REBEL,  
AND  
A VIEW of the ancient ALESIA of GAUL, the City of HERCULES.

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PRICES of STOCKS, &c. in MARCH, 1775.

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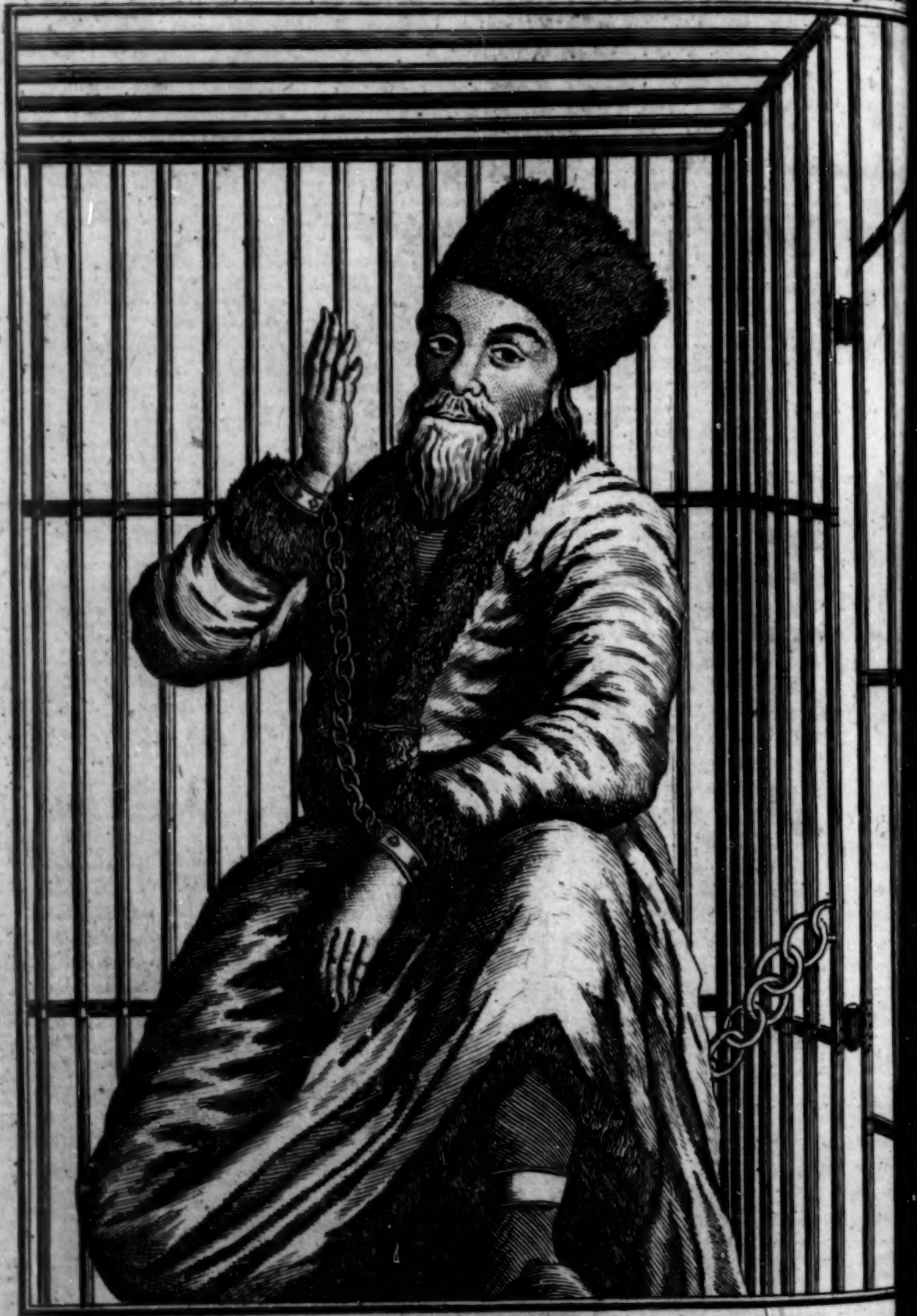
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**JEMELJA or EMELKA PUGAT S CHEW.**

*A Rebel in Russia under the assumed name of Peter III, in the Government of Oldenburgh: His Rebellion commenced about the End of the Year 1774, & carried in an Iron Cage to Moscow; where he Executed the 21<sup>st</sup> day of January 1775.*



T H E

# LONDON MAGAZINE,

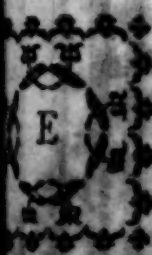
FOR MARCH, 1775.

For the LONDON MAGAZINE.

## *Authentic History of the famous Rebel Pugatschew,*

*drawn from the Proceedings of the Criminal Process against him at Moscow, by the definitive Sentence of which he was condemned to be quartered alive,*

*(With an engraved Likeness, taken from the Life in his Iron Cage.)*

 **E**MELKA Pugatschew was born, by his own confession, at a place on the Don in the environs of Zinvitskaja Paniza. His father and grand-father were native Cossacks of the same; and Sophy, his wife, was the daughter of the Cossack Demetrius Nikiforof. Pugatschew served as a private man in a company of Cossacks in the war against the King of Prussia, and in the last against the Turks. He was in the army at the siege of Bender, and having then a mind to quit the service, asked for his discharge, but it was refused him. At this very time his brother-in-law was sent as a colonist into the neighbourhood of Fort Taganrock; but, unwilling to remain there, he persuaded Emelka and some other Cossacks to desert. At the moment this was known at Cherkassk orders were issued for their appearance. Emelka, however, denied that he was induced by his brother-in-law to this desertion. Soon afterwards he flew to the Rocks of Poland for refuge; where he got acquainted with Alexis Semenovskis, a deserter, formerly a grenadier, and who lived upon the banks of the Dobrinka: from whence he went to recruit his followers in the colonies of Little Poland. But still pursued by the fear of being taken, Emelka turned towards the river Dnieper, with a design to invite the Cossacks to join him, and make inroads in the country of the Russians. There he assumed the title of the Emperor, Peter III. but was taken by Russian troops, put in fetters and transported to Simbirsk, and from thence to Moscow. He found means, however, to bribe his guards and returned to the river Jaiik, again declaring himself emperor, and assuming the name of Peter III. he was received by all the rebellious Cossacks, who

had deserted from their troops in order to avoid their condign punishment, and they proclaimed him emperor every where. When the commandant of the town of Jaiik received information of this, he sent a detachment of troops to seize him, but Emelka shifted about till he found himself strong enough to return, and then made his appearance before Jaiik. Not having been able to make himself master of it, he proceeded to the lines of Orenbourg, and took in all the forts upon his march; which must have been owing either to the neglect of the commandants, or to the feeble defence of the invalid soldiers in garrison.

His cruelty increased with his success. His choice troops consisted of about 300 Cossacks from Jaiik, who did not forsake him till the very last, and were entirely governed by his will, though, on the other hand, he was absolutely dependent upon them. Emelka, with these, pillaged and destroyed her imperial majesty's possessions; killed all who attempted to oppose him, and, at last, laid siege to the fortress of Orenbourg, before any intelligence of this daring and unexpected scheme could transpire. Presently several chief officers were sent against him at the head of some of the best troops, which were afterwards augmented as necessity required. In December 1773, general Bibikoff received instructions and full power to act in every respect according to his own discretion, in order to put a stop to the rebellion.

The success was answerable to the dispositions of this wise and experienced general. He detached major-general Peter Galitzin against the rebels, who defeated them entirely near the Fort Sattcheff. At that time they were very numerous, made up of Cossacks from Jaiik, of Bashkiers, and fugitive Russians, and peasants who worked in the



the mines of those parts of the country.

The death of general Bibikoff prevented this worthy officer, to the regret of the whole empire, from finally executing his commission. In the mean time, Emelka was again defeated by prince Galitzin, near Samara; whereupon he drew towards the mines of Orenbourg; there he augmented his troops, had cannon cast, and continued his depredations and murders, destroying the inhabitants and the mines, and ravaging all before him. He was overtaken and defeated a third time, by the brave colonel Michelson, but still found means to make his escape and to draw a new party together. Having made himself master of the fort Oлда, he passed the Kama and came to Casan, where major-general Potemkin had arrived two days before him. This officer, after having assembled all the troops there, faced the rebel, who, seeing what ill success he always had in fighting against her imperial majesty's troops, avoided an engagement, and by the treachery of the weavers, he entered the town of Casan from the side of Apseco fields. He set the houses immediately on fire, by which general Potemkin was reduced to the only step of throwing himself into the Kremlin, or castle of Casan, in order to save it from the hands of the rebels; here he defended himself till colonel Michelson came with a detachment to relieve him. The rebels, on receiving the intelligence, quitted the town and retreated to the plains, where, in three engagements, on three different days, they were totally defeated. One party, with Emelka at their head, took the road of the Volga, and by swimming passed the river: they continued their desolations, setting the churches and houses a fire; the towns of Zivlisk and Courmich were consumed: all manner of cruelties did they commit on their march towards Alatir.

In these circumstances, the late general in chief, count Peter Panin, full of zeal for his country, though he had quitted the service, wrote to her imperial majesty, and solicited the command of the troops destined to subdue the rebels. Her imperial majesty approved of his offers, and sent him immediately the necessary orders, with the three regiments then at Petersbourg. Providence crowned the dispositions of this general with success. Before he took the command of his troops, the rebels had augmented theirs, and on being pursued by colonel Michelson had passed through Petrowska to Saratoff and made themselves masters of it. The commandant of this place, colonel Bochnack, made a vigorous defence, though he had but fifty men including officers—Forced at last to yield to the superiority of number, he broke through the rebels and marched to Zaritzin, to which place the rebels likewise proceeded, after having pillaged Saratoff,

and massacred all who fell into their hands. This town made a still more vigorous resistance than the other, and obliged Emelka and his men to retreat; from hence he passed to Chernojarska, 40 werstes distant from Zaritzin towards Astracan; there he was overtaken by the detachment of colonel Michelson, whom no obstacle could stop, and who had been joined by some Cossacks from the Don. He attacked Emelka and defeated him for the last time. Yet this wretch saved himself with a small number of Jaiik Cossacks by swimming over the Volga, and took the road towards the plains, between this river and the Jaiik. But there Providence at last delivered him up to the hands of justice, and he underwent the punishment due to his crimes. His accomplices repenting of their rebellion, and being informed of her imperial majesty's offer of pardon to all who should return to their duties, they resolved to seize upon Emelka and to bring him to the town of Jaiik; in this design, they engaged some other Cossacks, and 25 of them shortly after executed it.

Thus were the rebels totally dispersed before the arrival of lieutenant general Sawarof, who was dispatched in great haste from the army on the Danube; he came however, time enough to receive Pugatschew in the town of Jaiik, and to escort him to Simbirsk, from whence general count Panin sent him and his chief accomplices under strong escort to Moscow. There they were tried for their excesses, cruelties, and rebellion, and sentenced to receive the punishment due to their deeds. The 21st of January, Pugatschew and the most guilty of his comrades were brought to the place of execution. The spot pitched on for the purpose was that whereon Bielobaradoff was beheaded, in the square adjoining to the bridge, named Ballotta. A large scaffold erected, in the middle of which there was a pole with a kind of round top, somewhat like that on the masts of a ship; two ladders were placed for the purpose of ascent, from the construction of the whole of the apparatus, it was the general opinion of the spectators, that Pugatschew was to be impaled; for it had not transpired what he was doomed to suffer. At each corner of the scaffold a gallows was fixed. About eleven o'clock in the forenoon the several criminals passed the stone bridge, and such of them as were sentenced to have their tongues cut out were coupled together in pairs. Amongst them was a young gentleman sentenced first to be executed by having his sword broke over his head, and after him came Pugatschew, who was in a kind of dung cart, made black in the middle of which was a stake, to which the poor wretch was fastened, with a burning candle in his hand. Two priests sat by him. The executioner was posted



1775. and two large axes were placed on a block; by the countenances of the spectators, this dreadful apparatus made a great impression on their minds; but in the face of Pugatschew not the smallest trace of fear was discoverable; his aspect was serene, his deportment such as shewed a soul quite untroubled in the hour of approaching dissolution. His presence of mind was astonishing; his unconcern thunderstruck the beholders, and as he passed through the crowd he expressed a wish, that if he had done ought amiss, the people would pardon him for the sake of God. When he reached the scaffold, the crimes for which he and his confederates were doomed to suffer, were recited; the priest by excommunication delivered them up to the executioner, who instantly seizing the victims as his rightful prey, began the bloody office of dispatch. Pugatschew ascended the scaffold by the means of a ladder; the three of his confederates who were to be hung, mounted the gallows by the same means, and the four were executed almost in the same instant. Pugatschew assisted to undress himself with great readiness. He was then

stretched on the scaffold, and by a very singular mistake in the executioner, his head was first severed from his body, his hands and feet were afterwards cut off and shewn to the spectators, before his head was exhibited. The moment this blunder was made, a person amongst the crowd, supposed to be one of his judges, called out to the executioner, and threatened him in such severe terms that it is generally believed the executioner will lose his tongue for his neglect. The head of Pugatschew was then stuck up on an iron spike, and the other parts of his body were severally exposed on the top of the pole fixed in the middle of the scaffold. The three confederates doomed to be hung having suffered the sentence, Panfilief was brought forth, who underwent precisely the same punishment as Pugatschew, except that his head was not spiked up. His mangled remains were placed near those of Pugatschew. The other criminals next suffered their various punishments; the tongues of some were cut out, the noses of other were cut off, and the rest were severally marked. The executions lasted, till night finished the bloody spectacle.

For the LONDON MAGAZINE.

## THE BRITISH THEATRE.

THE tragedy of *Braganza*, written by Dr. Jephson, and now acting with great applause at Drury-lane Theatre, shall, according to the promise with which we concluded our last paper on theatrical subjects, be this month's observations.

### BRAGANZA.

**MEN.** Don Juan, duke of Braganza, Mr. Reddish. Almada, Mr. Aickin. Ribeiro, Mr. Palmer. Mendoza, Mr. Brereton. Antonio, Mr. Wrighten. Mello, Mr. Wheeler. Florio, Mr. Wright. Ferdinand, Mr. Morris. Lemos, Mr. Usher. Corea, Mr. Velaquez, minister of Spain, Mr. Pizarro. Mr. Davies. Ramirez, monk, Mr. Packer. Officer, Mr. Keen. Third citizen, Mr. Wright. Second citizen, Mr. Griffith.

**WOMEN.** Ines, Mrs. Johnston. Louisa, Duchess of Braganza, Mrs. Yates. Gentlewomen, attendants, soldiers, &c. Scene, Lisbon.

### THE FABLE.

The plot of this piece is founded on history—Velaquez, the creature and minister of Spain, so grossly abuses the power delegated to him in Portugal, daily imprisoning one after another of the citizens, and persecuting all who refuse to bow the head at his command, till unable longer to endure his tyranny, a revolution of which is exemplified in the scene, we find the Portuguese feeling the oppression of don Juan, duke of Braganza, natural heir of the crown, though then a general in the Spanish army, which

actually took place in that kingdom, and continues in the same house till this day. Braganza, though his warmest wishes are with the people, fearing for the safety of his wife, is somewhat wavering in his resolves; but Louisa, whose soul rises far superior to the generality of her sex, is for delivering Portugal at all hazard, and affirms that death itself would have no terrors for her in such a cause.

Ribiro is one of the most active citizens on this occasion, and having formed their little junto, they only wait the lucky moment for carrying their schemes into execution.

Velaquez, who is by nature an overbearing villain, not content with representative, aspires to sovereign dignity; Braganza is beloved in Portugal, which is a sufficient sin in his eyes to merit assassination, but he has a further view by obtaining the widowed Louisa's hand to make his way to the crown of Portugal.

A monk, named Ramirez, is fixed on to perform this work, who, though he at first betrays qualms, is so wrought up to his wishes, that he undertakes to destroy Braganza, by administering a poisonous wafer to him on the most solemn of all religious ceremonies. A false alarm, however, originating from two of Braganza's friends crossing the water in Velaquez's barge, prevents the execution of this diabolical plan—Braganza is brought hastily from his confessional, and conceiving death awaits them, the wife endeavours to rouse her husband's spirits to meet it undismayed.

They



They have, however, soon the satisfaction to find they have been mistaken, and prosecuting their measures, Velasquez is at length beset in his palace—Velasquez disguising himself in the habit of a slave escapes, and hoping to surprize the duchess in an unguarded moment of joy, repairs to don Juan's house and gains admittance. Having told a tale of distress, Louisa, whose heart is humanity itself, orders him to be brought in, and promises to protect him, but viewing him attentively, she partly discovers, and from his confession is convinced, her direct foe has taken refuge under her roof; the sanctity of her word cannot however be violated, and she bids him rest securely—At this moment the duke's voice is heard commanding the gates to be thrown open, that all may have entrance, and calling aloud for his Louisa, his queen, she runs to meet him—but to her unspeakable horror and surprize is with-held by Velasquez, who drawing a poignard, at the instant he seizes her hand, and threatens to plunge it in her heart if she or her friends advance a single step till he has been heard: he then demands a revocation of every step Braganza has taken, to all which the duke is for acceding, but the noble-minded woman declares, that if he is capable of granting such dishonorable conditions, she will dispatch herself to punish his weak affection. Velasquez is struck by her courage, yet persists in his demands, until the entrance of Rimirez, whom he had caused to be assassinated, but now finds was only wounded; when shrinking back, the queen springs from him into her husband's arms. Rimirez confesses the crime he undertook to commit, and having received the duke's pardon is led off dying. The mob are so enraged at the complicated villainy of Velasquez, that he is torn piece-meal before they can lodge him in prison—all tumult then subsides, and the duke and duchess take possession of the throne of Portugal.

*The Conduct of the Fable.*

*Characters, Diction, Sentiments, Moral, &c.*

The plot of this piece, though received with great applause, is so thin, that two whole acts are mere repetitions of the people's resolves; they are all prepared to strike, yet with no other intervening incident, than the mistake of the conspirators, and the communication of Velasquez' wish to destroy Braganza, the blow is so long delayed, that it is astonishing the other merits of the tragedy could fill up the hiatus.

*The Characters.*

No business to bring either their vices or their virtues into action, and we lament so much greatness of soul is bestowed on a woman, who is in fact nothing more than a walking gentlewoman.

Braganza is said to possess a brave, a noble disposition, but we find him only a fond husband, ready to sacrifice his fortune, friends,

and fame, for the preservation of her he loves.

Velasquez too, though a desperate and a daring villain, when nothing is left him but revenge, the great revenge of stabbing the peace of his enemy in the person of his wife, continues talking instead of doing, until his nerveless arm, we know not why, suffers its prey to escape, and he is himself irreparably lost.

The sentiments are natural in most instances, noble in many, and the language so masterly and elegant, that we do not recollect a modern performance that deserves in the least degree to be brought in competition with it—we therefore hope when the Doctor tries his hand again (and with his abilities it would be shameful to be idle) he will follow the duke of Buckingham's advice, and

"On a plot employ his careful thoughts."

The situation in the last scene is capital, though not new, but from beholding two virtuous characters in danger we agonize for the event, and are willing to make abatements both of probability and originality, to save them.

It is but barely doing justice to Mrs. Yates's admirable performance, to say the author had no small obligations to her.

The language of this piece is so uncommonly celebrated, that we shall not fail to present our readers with extracts from the most favourite scenes the ensuing month—the new tragedy of Cleonice, which has made its appearance at Covent Garden, demanding that room we should otherwise have given to Braganza.

Mr. Hoole, who with such abundant reputation translated Metastasio, and borrowing from himself, with no small degree of applause, brought forth the tragedies of Cyprius and Timanthes, has at length presented the town with a piece, which his prologue informs us is the genuine production of his own muse. The title and characters are as follows:

C L E O N I C E.

MEN. Artabazus, king of Pontus, *Mr. Barry.* Pharnaces, his son under the feigned name of Arsites, *Mr. Lewis.* Lycomedes, king of Bithynia, *Mr. Benbow.* Orontes, prince of the blood of Bithynia, *Mr. Lee.* Teramenes, general of the Bithynians, *Mr. Hull.* Agenor, friend to Pharnaces, *Mr. Whitfield.* Zopyrus, friend to Arsites, *Mr. Lefrange.* Officer, *Thompson.*

WOMEN. Cleonice, daughter of Lycomedes, *Mrs. Hartley.* Arsinoe, daughter of Teramenes, *Miss Dayes.* Guards, attendants, &c. Scene, a city of Bithynia, and the country adjacent.

T H E F A B L E.

LYCOMEDES, king of Bithynia, notwithstanding his only son has fallen in an engagement between him and the king of Pontus, is compelled, to use the poet's words by the times necessity to accede to a truce. His soul is nevertheless so strongly bent



revenge, that we find him on the frontiers of his dominions ready to avail himself of the first honourable opportunity of attacking Artabafus.

His queen having died with grief for the loss of her son, he is accompanied in this his martial situation by his last remaining child the princess Cleonice. Arsinoe, daughter of Teramenes, is her friend and attendant; and it is a settled point, that so soon as Polemon's manes are appeased, Orontes, a prince of the Bithynian blood, and an officer of eminence in the army of Lycomedes, shall receive the princess's hand.

During this period of the truce, Pharnaces, son of Artabafus, in his return from Rome where he has spent some time in warlike studies, under the feigned name of Arfetes visits Bithynia. Teramenes conceives a singular friendship for the youth unknown, and by acts of prowess against the enemies of Lycomedes, he soon grows into high esteem with that monarch likewise; nay, Cleonice herself has favoured him with so large a share of her approbation, that it is pretty plain, on the opening of the piece, though bound by all the ties of honour to Orontes, her affections are devoted to Arfetes. Orontes, however, fearless of a rival in his love, beholds the martial exploits of this stranger with a jealous eye; and, though obliged to reserve the appearance of amity towards him in public, privately hates him for his virtues.

Arfetes has long acknowledged to Agenor, the companion of his travels, how necessary it is he should leave Bithynia, and return to his father; but as lovers resolves are ever weak and wavering, from being passionately attached to the princess he still finds excuses for his stay; until only one poor day is unexpired of the cessation of hostilities between the kings, when roused by the arguments, and exhortations of Agenor, he not only acquaints Teramenes with his intended departure, but actually prepares to bid Cleonice adieu. Lycomedes, Teramenes, in a word the whole army, except Orontes, are so desirous of his continuance amongst them, that in general conceiving, from some observation he has made, it would be highly agreeable to him, offers him his daughter Arsinoe in marriage.

Arsinoe, as well as her royal mistress, is in love with Arfetes, but having discovered the princess's inclination, so prudently conceals it, that a father's discerning fondness alone have traced them out. Lycomedes informs the princess of the expedient they have hit upon for retaining Arfetes, and adding he has approved it, she refuses to let him speak at their next interview, upon which a messenger is dispatched, with assurances to Arfetes of his return early enough to attend him to the field; he is determined, if he can, to see Cleonice once again, to learn

the cause of her altered behaviour. Artabafus no sooner receives the glad tidings of his son's near approach, than he commands them to be proclaimed throughout his camp.

Lycomedes' wounds bleed afresh on being told the reason of their joy, and he vows this beloved son shall fall a sacrifice to his vengeance, that Artabafus may feel what it is to be a father.

Cleonice, convinced she has been premature in her displeasure, tenderly laments the departure of Arfetes; but Orontes, whose predominant passion we now find to be ambition, exulting that he shall no longer be in danger of having his laurels obscured by the achievements of a stranger, intreats Lycomedes to spare the slaughter of his troops, by permitting him to challenge the son of Artabafus to single combat. Lycomedes approves the thought, but as Orontes is his destined son and successor, will not consent he shall devote himself for his country, unless by joining his name with six other chiefs of the first celebrity in arms, the lot should chance to be his.

Arfetes, in spite of himself, is put on this list, and fortune, as if to mock his resolution, declares him the champion. Orontes, who we now find from his own confession, by deep dissimulation, not merit, has won upon the king's heart, is so stung by this decision, that he engages his friend Zopyrus to kill Arfetes as he is conducting him from the fane of Mars to meet Pharnaces; the consequence of which request is, that instead of the hoped for victory, a dead march suddenly bespeaks some disaster, and the corpse of Arfetes is born in—the princess raves, Lycomedes weeps. But to inter the hero with martial pomp, is all their power can bestow, and the body is carried off for that purpose.

Orontes and Zopyrus shortly, however, discover, to their unspeakable confusion, that they have failed in their designs, for Arfetes not only lives, but Pharnaces and Arfetes are the same. Zopyrus bids him trust he will yet fall beneath his conquering sword; but Orontes, in order to play a sure game, proposes to draw him from the tumult of the battle to a grove, where lying in ambush, they may surprize and cut him off.

Pharnaces having happily reached his father's camp, is tenderly received, and acknowledging his passion for Cleonice, pleads that passion in excuse for his delayed return—the king is propitious to his utmost wishes. He then mourns the fall of Araxes, a youth, whom it seems, from nearly resembling himself, he had disguised for Arfetes, and being instructed after a few passes to yield himself prisoner, was to have met him in that character as the Bithynian champion.

An alarm is now spread that the Bithynians, led on by Orontes, have begun the attack: the troops of Artabafus have soon the advantage; but Lycomedes choosing rather to die than retreat unrevenge, he, together



gether with his daughter and Teramenes, are made prisoners. Artabafus orders their chains to be struck off, and proposes the desired union between his son and the princess as the terms of accommodation—but the offers of the man who had slain Polemon, and who has moreover caused the death of the brave Arfetes, are scorned; and Artabafus has only time to tell them that Arfetes is his son Pharnaces, before an officer arrives with the news that he is beset by an ambuscade, and in the greatest extremity.—Artabafus flies to his support, and the king and princess of Bithynia, forgetful of their wrongs, most generously interest themselves in his safety. Pharnaces and Orontes are discovered on the point of engaging, and Zopyrus having revealed the first scheme against Pharnaces's life, Orontes boasts the ambush is his second. They fight, and Orontes falls.

All the characters, except Arfinoe, enter, and Orontes's villainy is generally known; dying, he however farther confesses Polemon was only wounded by Artabafus, but that thirsting for the crown he dispatched him as he conveyed him to his tent. Every bar being thus happily removed to the union of Pharnaces and Cleonice, the piece concludes to the satisfaction of all the valuable parties.

*Conduct of the Fable.*

*Characters, Diction, Sentiments, Moral, and Representation.*

SUCH is the plot of this genuine production, and most happily do we find it conducted.

A princess, who, as the poet tells us, to all the beauties of the female character superadds all the excellencies of the masculine, though promised with her own consent to Orontes, no sooner beholds the face of a stripling fugitive, than her bosom burns with a new flame.

It is true her first lover proves to be a villain; but, unfortunately for the heroine, his villainies transpire too late to save her reputation.

That the youthful Pharnaces, with an unengaged heart, should feel the softest sentiments for so beautiful a princess as Cleonice, is in no degree unnatural—but that a man of honour should be inclined, much less dare, to speak a passion that was a gross affront to a woman of honour's ear, is perfectly novel, if not downright marvellous. Yet mark—this illustrious minded princess not only listens with pleased attention to the tender tale, but says every tender thing in return that the frailest of her-sex could utter.

Arfinoe, the daughter of Teramenes, is lifted into the consequence of her mistress's rival without a single effect, and having walked her little hour on the stage retires, as she herself informs us, to learn the cause of a martial alarm, when she fairly takes a French leave of the audience.

Lycomedes and Cleonice, the moment of

their hearts' extremest hate, are not only ready to pardon, but receive the son of Artabafus with open arms—thus we have the destined victim of Lycomedes' vengeance, and the object of his tenderest concern, almost in the same breath.

Orontes, the artful, the vigilant Orontes never once suspects a rival in his love, though so critically tenacious of unrivalled glory; but however his ambition may nod, Arfinoe's secret attachment keeps her too perfectly awake to mis-read her mistress's conduct. Orontes is, we nevertheless confess, a notable engine in the poet's hand, and rightly does he play him off—only we could wish, for decency's sake, that the discovery of his turpitude had preceded Cleonice's inconstancy, and his dying confession so mediated, as to apologize for Lycomedes' behaviour towards Pharnaces.

The characters and sentiments are, we confess, perfectly correspondent; for as the former are unnatural and dishonourable, the latter are absurd and illiberal: as for example, when Arfinoe mentions Orontes to the princess, as the man she has engaged to receive for her husband, this most amiable of her sex replies

“Orontes—name him not,  
I own his worth, I own the sacred right  
A king and father claim; but I must  
Tho' while I speak confusion fills my sight  
Arfetes bears down all, and tho' the power  
Of fortune raised me high above his lot  
A pleader here, which nothing can  
Withstand;  
By looks, by deeds, by all that can engage  
The pride of youth, full manhood  
Prepared  
My easy bosom to receive a guest  
That now sole tyrant reigns my bosom's  
lord.”

The diction shall speak for itself. When Arfinoe would tell her royal mistress at the time of the moon she first discovered her treacherous love, she says,

“Scarce from her tenth fair crescent  
Silvered night's fleecy robe, &c.”

Again, when our heroine, from misceiving the intentions of Arfetes, refuses to hear him speak, and retires in high displeasure, he exclaims,

“Where am I? sure I dream, my every sense  
Is lost in wild amazement.”

The moral we beg leave to submit to the discernment of our readers, for a reasoner will probably guess at from their own experience.

The representation is cold and uninteresting for the truth is that the princess Cleonice cannot be participated by a general mind, or the turn her affairs take in the conclusion excite that glow of satisfaction naturally experienced on the unexpected success of suffering virtue.

[The petit pieces of the Two Mistresses of the Bon Ton, with extracts from the comedy of Braganza, in our next.]



For the LONDON MAGAZINE.

## DEBATES OF A POLITICAL SOCIETY.

(Continued from our last.)

MARCH 28.

ORD North moved that the committee for taking into consideration his Majesty's message and papers be revived, and that the House, that he intended to go for leave to bring in a bill relative to Massachusetts Bay, the grounds of which should open in the committee.

The House then resolved itself into a committee, Sir Charles Whitworth in the chair, Lord North said he meant now to open the bill, which he proposed to bring in; and as it might very well be understood by gentlemen in that House, that executive power was wanting in that country, it was highly necessary to strengthen the magistracy of it. That the force of the power consisted in the *posse comitatus*;

when it is considered that the *posse* are very people who have committed all sorts of riots, little obedience to the preservation of the peace is to be expected from them.

There appears to be a total defect in constitutional power throughout. If the civil part shew that contempt of obedience to the laws, how is the governor to exercise any authority vested in him? If he has any magistrate to act who he knows is willing to execute the laws, he has the power of appointing one, nor of the removing one that will not act; the council alone that power, whose dependence is on the democratic part of the constitution.

It appears that the civil magistrate has been, for a series of years, uniformly inactive; there is something radically wrong in that constitution, [not arbitrary enough] in which the magistrate, for such a number of years, has not done his duty in such a manner as to show obedience to the laws. If the governor issued a proclamation, there was hardly any magistrate to obey it; the governor, on his own authority, can do nothing; he cannot act, or give out any order without the consent of the council; the authority of that government is in so forlorn a state, that no governor can act; and, therefore, there is such a want of civil authority, that it is supposed that the military, being so numerous, can be of the least service.

For I shall always consider that a magistrate, acting under the authority of a civil magistrate, is part of the government; but the military alone ought not to act without the controul of a civil magistrate. How was it possible

for the military to maintain good government, when they were not called upon by the civil authority? I propose in this bill to take the executive power from the hands of the democratic part of government; I would propose, that the governor should act as a justice of the peace, and that he should have the power to appoint the officers throughout the whole civil authority, such as the sheriffs, provost, marshal, &c. (the chief justice and judges of the supreme court excepted.) I would have them only removable by his majesty, under his sign manual, and upon good representation made here. Every gentleman will naturally see the impropriety of such irregular assemblies or town-meetings which are now held in Boston; I would have them brought under some regulation, and would not suffer them to be held without the consent of the governor, unless upon the annual election of certain officers, which it is their province to chuse. Their juries are improperly chosen; I think a degree of regulation highly necessary; I am always ready and open to hear those matters discussed, and inclined to alter my opinion when I hear better reasons for adopting any other mode of putting the civil magistracy of that country upon a good footing; but until the executive power is free, it cannot act; our regulations here are of no import, if you have nobody in that country to give them force. Some immediate, as well as permanent remedy, must be adopted. I therefore propose the present bill, which I apprehend will effectually purge that constitution of all its crudities, and give a degree of strength and spirit to the civil magistracy, and to the executive power. I therefore move, Sir, that leave be given to bring in a bill for the better regulating the government of the province of Massachusetts Bay. I propose that this bill shall be brought in, and lie upon the table, for the inspection of the House and gentlemen who wish to make the propriety of such a bill the measure of their conduct.

Mr. Byng said, that he could not be at all surprized at hearing that the governor of Boston had no power, when he had not a single place in his gift. It was now become a fashion to give away those places of emolument to men of this country, with reversions, to one, two, or three sons; to men who had never been of the least public service to this country in his apprehension (meaning Mr. Bradshaw.) Whilst places



continue to be given away to men of this country, the emoluments of which arise from the labour and sweat of an American brow, it will undoubtedly and very properly totally annihilate the power of any supreme officer in that country. Men look up to their superiors, and obey their directions according to the emoluments received from them; and when once there is no dependence in it, there will be no obedience.

*Sir Fletcher Norton* said he only got up to know, whether there was to be an assembly left to the New-Englanders, or not? For he was not able to say, from what he had heard from the noble lord, whether the assembly was to be annihilated or not.

*Lord North* said, that there would be nothing in this bill that affected either the assembly or the council in their legislative power.

*Mr. Phipps* got up, but the House being noisy he was not much attended to.

*Mr. Pownall* used much the same kind of arguments he had done in the former debates; giving a very judicious account of the government of America; and concluded, with giving to the Americans the character of a conscientious, good, religious, peaceable set of people, and that there was not, in all his majesty's dominions, a more respectable set of persons existing.

Leave was given to bring in the bill, without any opposition.

*April 15.* *Lord North* presented to the House the bill, which he moved for before the holidays, to regulate the civil government of the province of Massachusetts Bay; the breviat of which was read, containing the propositions which, in moving for it, he had mentioned as the ground, with this addition and alteration, "that the nomination of the council should be by the crown." He said, in this bill there would be no negative voice in the council; nor was the lieutenant-governor and secretary to be of the council, unless nominated by his majesty; that the council would have much the same power as before, except the nomination of judicial officers; that he had altered the mode of choosing of juries, from the hints thrown out by *Lord Germaine*; that the principle on which our juries were formed, seemed to be highly approved of, and that of the juries of America disapproved of; that he had now adopted the mode of choice as near the method of choosing the juries in England as possible: that this was a regulation of a very nice kind; and if gentlemen did not like to have it made part of the present bill, it might be separated and made a bill of itself.

*Mr. Dampier* desired to ask the noble lord, by whom the judges were appointed formerly, and by whom paid.

*Lord North* said, the judges were now paid by the crown; and that their salaries were to

accrue out of the duties chargeable on the tea.

*Mr. Dowdeswell* said, he was unwilling to let the day pass without some observation on the bill, as it was brought in upon a different plan to what it was moved. He observed, that government had now received sufficient advice for regulating their conduct, and coming to some decision about what was proper to be done; but he observed, the farther they went the worse they were; that the House had now a bill before them, which was calculated to destroy the charter of the province of Massachusetts Bay; that if we were now to make a new charter for governing and regulating the number of the emigrants that are daily going to America, should, perhaps, make it in a different manner, and suit it more properly to the disposition of the times; but I wish, says he, to see a new charter granted. The Americans have laboured with an unwearied industry, and flourished for fourscore years under that democratic charter; they have encreased their possessions, and improved their lands to a point we could not expect, and we have reaped the benefit of their labour, yet are now going to destroy that very charter which has subsisted to the mutual benefit of both this country and America; the charter which they breathe a spirit of liberty superior to anything either of the former or present time; it was granted in king William's time, and is more adapted to the spirit of a free people than any charter that can possibly be framed by any minister now; but, I hope, before this bill passes, that you will, at least, collect yourselves in a cool dispassionate manner, and look upon America as your children. You are not now contending for point of honour, you are struggling to obtain a most ridiculous superiority, for which you hardly know a name bad enough. The regulations which you are going to enact, will be so inadequate and so improper a remedy that in my opinion it would be better to let up the whole, than correct in such a violent and imprudent manner; let me at least advise temper in your proceedings, and whatever is done, may not be effected with rigor and severity.

*Mr. Pownall* gave the House an account of the mode in which juries were chosen in America, and in what manner the courts were heretofore; that they were elected by the whole legislature and not (as had been mistakenly represented) by the people at large; that the select men were a kind of aldermen much the same as those in corporations in England; that about forty were chosen from each town, after which the remaining were generally appointed as persons proper to serve upon juries, from which five or six were taken, as occasion required; that the grand juries were struck off from the select men, who were appointed for that purpose.



775.

He said great inconvenience would arise from the town meetings not being held without the consent of the governor; that all business of a municipal nature, was done at a town meeting; that these towns were, in many places, 300 miles from the capital, and that business must stand still in many instances, in these towns, till the governor's consent could be obtained. He concluded with making a motion for the laws of the province of Massachusetts Bay, as far as related to the present bill, to be laid before that House.

The bill was then read a first time, and ordered to be read a second time on Friday next.

Mr. Bowdeshwell moved that the bill might be printed, which was agreed to.

APRIL 22.

The gallery was cleared on account of the House going into the American business. Having resolved itself into a committee, Sir Charles Whitworth in the chair, upon the second reading of the bill for regulating the civil government of America,

Mr. Fuller said, he did not rise to make any debate, for he was not enabled as yet to form any opinion whether the bill before the House was a proper bill or not; as copies of the charters which had been ordered before the House were not yet laid, he would venture to say, that no man knew the constitution of that government; it was therefore impossible for him to say in what manner he would correct and amend it.

Sir George Savile said, he had not troubled the House before on the occasion, but could not help observing, that the measure now before the House, was a very doubtful and dangerous one; doubtful as to the matter and propriety of regulation, and dangerous as to its consequence; that charters of government were sacred things, and are not to be taken away by a due course of law, but as a punishment for an offence, or as a breach of the contract, and that can only be by evidence of the facts; nor could he conceive that in either of those cases there should be any such thing as proceeding without a fair hearing of both parties. This measure before us seems to be a most extraordinary exertion of legislative power. Let us suppose a lease granted to a man, wherein is a covenant, the breach of which would subject him to a forfeiture of his lease—would not a court of justice require evidence of the fact? Why, then, will you proceed without the line which is always observed in courts of justice? You are now going to alter the charter, because it is convenient. In what manner does the House intend to take away this charter, when in fact they refuse to hear the parties, or to go through a legal course of evidence of the facts? Charters rights have, at all times, been attempted to be altered or taken away,

occasioned much bloodshed and strife; and whatever persons in this House may have advanced, that they do not proceed upon this business but with trembling hands, I do also assure them that I have shewn my fears upon this occasion, for I have run away from every question, except one, to which I gave my negative. I do not like to be present at a business, which I think inconsistent with the dignity and justice of this House; I tremble when I am, for fear of the consequences; and I think it a little extraordinary that Mr. Bollan should be admitted to be heard as an American agent in the House of Lords, when in the House of Commons he was refused. I believe it is true that the facts set forth in his petition to this House, were different from those which he presented to the House of Lords; I cannot conceive it possible to proceed on this bill upon the small ground of evidence which you have had.

Mr. Welbore Ellis insisted on its being the duty of the crown to take away or alter charters if they found them deficient of the purpose intended; that the American papers on the table were sufficient evidence of the fact, and that it was not necessary for any further hearing on either side. He said, there arose great difficulties in their present form of government, which often retarded business, and which this bill would remedy.

General Conway. What I intend to say will not delay the House long. [The House being rather noisy, the General said, I beg leave to say a short word.] I am very sure what I intend to say will little deserve the attention of the House, but the subject is of that importance, that it requires it. The consequences of this bill are very important and dangerous. Parliament cannot break into a right without hearing the parties. The question then is simply this, have they been heard? What! because the papers say a murder has been committed, does it follow they have proved it? *Audi alteram partem*, is a maxim I have long adhered to; and it is something so inconsistent with parliamentary proceedings not to do it, that I am astonished at it. The council are blamed because they did not give that advice to the governor which he wanted. I think, Sir, the governor might have acted alone, without their assistance. Gentlemen will consider, that this is not only the charter of Boston, or of any particular part, but the charter of all America. Are the Americans not to be heard? Do not quibble about the appointing of an agent: I think there is no harm, upon this occasion, in stretching a point; and I would rather admit Mr. Bollan, as an agent (though he is a little irregular in his appointment) sooner than leave it to be said, that this bill passed without it. The House being vociferous, he said,



"I am afraid I tire the House with my weak voice; if that is the case I will not proceed, but I do think, and it is my sincere opinion, that we are the aggressors and innovators, and not the colonies. We have irritated and forced laws upon them for these six or seven years last past. We have enacted such a variety of laws, with new taxes, together, with a refusal to repeal the trifling duty on tea; all these things have served no other purpose, but to distress and perplex. I think the Americans have done no more than every subject would do in an arbitrary state, where laws are imposed against their will. In my conscience, I think, taxation and legislation are in this case inconsistent. Have you not a legislative right over Ireland? And yet no one will dare to say we have a right to tax. These acts, respecting America, will involve this country and its ministers in misfortunes, and I wish I may not add, in ruin.

Lord North insisted that the bill did not take away their charter, that it was not political expediency but political necessity; he seemed to lay much stress upon his majesty's subjects being abused by the tarring and feathering committee; and said it was ridiculous to talk of bringing them to the bar, for they would not attend if sent for.

Governor Johnstone imputed the whole of the disturbances to the taking away the governor's power, and said, he imagined the accounts sent home were either false or partial.

Mr. C. Jenkinson was much for pursuing the measures proposed in the bill: he said it was right to take away charters when they were abused, and to govern the Americans as they were not capable to govern themselves.

Mr. Harris was for proceeding against the Bostonians with rigour; said all the disturbances there lately were owing to our lenity for these last twelve years.

Sir George Yonge said, it is unanswered and unanswerable, what had been advanced by the honourable gentleman who spoke second; that the parties should be heard, tho' even at a twelvemonth hence. Nothing, Sir, but fatal necessity can countenance this measure. No body of men ought to be proceeded against without being heard, much less ought the alteration of a whole government to take place, without the parties attending in their defence against such alterations.

Sir Edward Afiley. If we have had a twelve years lenity and inactivity, I hope we shall not now proceed to have a twelve years cruelty and oppression. By the resolution and firmness which I perceive in the House, it seems to indicate a perseverance in the measure now proposed, which I deem to be a harsh one, and unworthy of a British legislature.

Governor Pownall. I beg leave to say some gentlemen right, who have erred with regard to the charters of America. The appointment of several of the officers is in the governor. The charter of Boston directs that the governor shall ask the council advice, but it does not say he shall not act without it, if they refuse to give it. It is not criminal to do any thing without advice of the council; I differ greatly, Sir, from that doctrine; for I myself have acted without it in putting an end to disturbances, preserving the peace and good order of the place; if I had been governor during the disturbances, I would have given an order for the military power to attend, and then let me have seen what officer dare disobey. I think the council are to be blamed for assisting the governor, but I think the governor might have acted without the council. The council are inexcusable, though not criminal, as they are not obliged to give advice. I, Sir, for my part, shall give my last opinion. I have always been in one way thinking with regard to America, which I have both given here and wrote to America. They have all along tended to one point; it is now no longer matter of opinion. Things are now come to action; and I may be free to tell the House, that the Americans will resist these measures. They are prepared to do it. I do not mean by arms, but by the conversation of public town meetings; they now send their letters by courier instead of the post from one town to another, and I can say your post-office will very soon be deprived of its revenue. With regard to the officers who command the militia of the country, they will have them of their own appointment, and not from government; I will never more give an opinion concerning America in this House;—those I have given have been disregarded.

Mr. Rigby insisted much on government's right to tax America, and desired that they would put themselves on their guard. America intended to decide their rights by the force of arms.

On the question being put, the motion was carried it without a division.

April 27. The House resolved itself into a committee, Sir Charles Whitworth in the chair, on the bill for regulating the civil government of the province of Massachusetts Bay. A debate arose on the dangerous consequences the bill would produce when it should be put in execution.

After the committee had gone through the bill, and filled up the blanks, a considerable number of fresh clauses were added, which occasioned another debate but no division.

The House was remarkably thin of members; there were scarce sixty at any one time the day, and at eight when the House was up scarce forty.



The gallery doors were shut long before the American business came on, and no person suffered to go in afterwards.

April 28. Mr. Dowdeswell moved for leave to bring up a petition from William Allan, agent for the province of the Massachusetts Bay in New England, which petition, he said, desired that the bill for regulating the civil government, and the bill for the more impartial administration of justice \* might not pass into a law until he should have time to receive answer from the above province to letters he had sent.

Mr. Dowdeswell said, after the part I have taken in the progress of these affairs, and in the direct manner in which I have expressed myself on former occasions, I shall have the pleasure to trouble the House with on this occasion.

The petition I have now brought up in the matter of its request, so reasonable, that I cannot persuade myself the House will reject it. I should wish the affair might be fully considered. What is the present state of your progress? You are carrying through an act that is to work a total change in the chartered constitution of a free country, in order to prevent riots and an improper influence in the mob of that country;—and in carrying that act into execution, you meet with a resistance that you expect, (and that very expectation prove that they may be without the imputation of an unexampled crime) you bring in another to regulate the trial of offenders, by which you alter the trial by jury, and drag the people across the Atlantic to give evidence in Westminster-hall:—regulations, the flagrancy of which has been sufficiently exposed, and punished in the manner they deserve. The people of the province, alarmed at so weighty a punishment, and so cruel a punishment on the constitution and liberty of his country, the evil actions of the scum of the people presents a petition to you. What is the purport of it? Only to pray you to suspend your judgment until he can receive instructions from his constituents;—that is, that a whole country may not be condemned without a single person authorized to appear in its defence.

Now, Sir, I think the prayer of this petition is so perfectly reasonable, that it appears probable to be rejected out of the court of common sense. It is no inquiry whether your opinion is just or not;—we may admit it to be our opinions, just, proper, and political, and yet assert the necessity of hearing the province before you condemn it to a severe punishment. I will not say it is wrong, but I say it is impossible—common sense—the feelings of mankind condemn it.

George Savile spoke ably on the same question, as did Mr. Burke, Mr. Wedderburne, &c. who all urged how

highly cruel it was to pass a law against any body of people, without hearing either them, or their agent, in their defence.

The motion was very strongly opposed by Lord North, Mr. Wedderburne, Mr. Dyson, &c.

At half past six o'clock the question was put, "that leave be given to bring up this petition." Upon which the House divided, ayes 32, noes 95.

Sir Charles Whitworth then presented the report of the committee, which sat on Wednesday, on the bill for the better regulating the civil government of the province of Massachusetts Bay, with several amendments and additional clauses, which was read, and a small debate ensued, after which the bill was ordered to be read a third time on Monday next.

May 2. After the ordinary business of the day was over, Sir George Savile moved for leave to present a petition from the natives of America resident in London, against the two bills now depending, the one for regulating the civil government of Massachusetts Bay, the other for the more impartial administration of justice, praying that the said bill might not pass into laws, until advice had been received from the continent. After a small debate, leave was given to bring it up, which set forth "that the petitioners are again constrained to complain to the House of two bills, which, if carried into execution, will be fatal to the rights, liberties, and peace of all America; and that the petitioners have already seen, with equal astonishment and grief, proceedings adopted against them, which, in violation of the first principles of justice and of the laws of the land, inflict the severest punishments, without hearing the accused; upon the same principle of injustice, a bill is now brought in, which, under the profession of better regulating the government of the Massachusetts Bay, is calculated to deprive a whole province, without any form of trial, of its chartered rights, solemnly secured to it by mutual compact between the crown and the people; the petitioners are well informed, that a charter so granted, was never before altered, or resumed, but upon a full and fair hearing; that therefore the present proceeding is totally unconstitutional, and sets an example which renders every charter in Great-Britain and America utterly insecure; the appointment and removal of the judges at the pleasure of the governor, with salaries payable by the crown, puts the property, liberty, and life of the subject, depending upon judicial integrity, in his power; the petitioners perceive a system of judicial tyranny deliberately at this day imposed upon them, which, from the bitter experience of its intolerable injuries, has been abolished in this country: of the same unexampled and alarming



ing nature is the bill, which, under the title of a more impartial administration of justice in the province of Massachusetts Bay, empowers the governor to withdraw offenders from justice in the said province, holding out to the soldiery an exemption from legal prosecution for murder, and, in effect, subjecting that colony to military execution; the petitioners intreat the House to consider what must be the consequence of sending troops, not really under the controul of the civil power, and unamenable to the law, among a people whom they have been industriously taught, by the incendiary arts of wicked men, to regard as deserving every species of insult and abuse; the insults and injuries of a lawless soldiery are such as no people can long endure; and the petitioners apprehend, in the consequences of this bill, the horrid outrages of military oppression, followed by the desolation of civil commotions; the dispensing power which this bill intends to give to the governor, advanced as he is already above the law, and not liable to any impeachment from the people he may oppress, must constitute him an absolute tyrant; that the petitioners would be entirely unworthy of the English ancestry which is their claim and pride, if they did not feel a virtuous indignation at the reproach of disaffection and rebellion, with which they have been cruelly aspersed; they can with confidence say, no imputation was ever less deserved; they appeal to the experience of a century, in which the glory, the honour, the prosperity of England, has been, in their estimation, their own; in which they have not only borne the burden of provincial wars, but have shared with this country in the dangers and expences of every national war; their zeal for the service of the crown, and the defence of the general empire, has prompted them, whenever it was required, to vote supplies of men and money, to the utmost exertion of their abilities; the journals of the House will bear witness to their extraordinary zeal and service during the last war, and that but a very short time before it was resolved here to take from them the right of giving and granting their own money; if disturbances have happened in the colonies they intreat the House to consider the causes which have produced them, among a people hitherto remarkable for this loyalty to the crown, and affection for their kingdom; no history can shew, nor will human nature admit of, an instance of general discontent, but from a general sense of oppression; the petitioners conceived, that when they had acquired property under all the restraints this country thought necessary to impose upon their commerce, trade, and manufactures, that property was sacred and secure; they felt a very material difference between being restrained in the acquisition of property, and holding it, when acquired under those restraints, at the disposal of others; they un-

derstand subordination in the one, slavery in the other; the petitioners say they could possibly perceive any difference between the most abject slavery, and such a subjection to a legislature, in the constitution of which they have not a single voice, nor the least influence, and in which no voice is present on their behalf; they regard giving their property, by their own consent, alone, as the unalienable right of the subject, and the last sacred bulwark of constitutional liberty; if they are wrong in this, they have been misled by the love of liberty, which is their dearest birth-right, by the solemn statutes, and the resolves of this House itself, declaratory of the inherent right of the subject, by the authority of all great constitutional writers, and by the uninterrupted practice of Ireland and America, who have ever voted their own supplies to the crown, all which combine to prove that the property of an English subject, being a freeman and freeholder, cannot be taken from him but by his own consent—to deprive the colony therefore of this right, is to reduce them to a state of vassalage, leaving them no property they can call their own, nor capable of acquisition but for the benefit of others; with infinite and inexpressible concern, the petitioners see in these bills, and in the principles of them, a direct tendency to reduce their countrymen to the dreadful state of being totally enslaved, or converted into a contest the most shocking and unnatural with a parent state, which has been the object of their veneration and their love; they intreat the House to consider, that the restrictions which examples of such severity and injustice impose, are ever attended with the most dangerous hatred: in a distress of mind which cannot be described, the petitioners conjure the House not to convert that zeal and affection which have hitherto united every American hand and heart in the interests of England, into passions the most painful and pernicious; most earnestly they beseech the House to attempt reducing them to a state of slavery, which the English principles of liberty inherit from their mother country will render worse than death; and therefore pray the House will not, by passing these bills, overwhelm them with affliction, and reduce their countrymen to the most abject misery and humiliation, or drive them to their last resources of despair.

Then the order of the day for the reading of the bill for regulating the government of the province of Massachusetts Bay was read, upon which a very fierce debate ensued.

Among other arguments the following were urged against the bill, viz. The want of proportion between the crime committed against the town of Boston, and the punishment by this bill inflicted, was ridiculous; that nothing could be more absurd



or rather destroy the constitution of a government, because a licentious rabble been guilty of a riot; that the common observation of a new modelled government, resembling that of other colonies, was a futile reason for overturning the mode which had necessarily become sacred and vital to a numerous people, from a course near two hundred years; that such an idea, in the clearest manner, the folly and ignorance of the fathers of these bills; the government, however proceeding originally from accident, because in such a manner rooted in the habits of the people, thence must be supposed to be the government of what Montesquieu calls a mixed government.—To change it, you must change the nature of the people, or govern by force of arms; and then call your scheme by what you please, it is a despotism. Who with any shadow of reason suppose, that the attention and habitual submission to the present form, which is favourable to freedom, has not begot an affection in the people? And yet these bills treat a numerous and powerful one, with no more ceremony in this important point than you would bestow upon such a colony as the island of St. John. How can such a conduct be justified by any name but those of folly, ignorance, and presumption?

The following was the order of succession in which the several speakers delivered their sentiments on the above occasion.

*George Savile* opened the debate, and denounced the peculiar injustice of judging without being heard, and involving innocent in the crimes of the guilty.

*Mr. Dunning* made a speech of nearly two hours long. He considered the bill in its several views, and probable operations and consequences. He remarked on each clause, paragraph by paragraph, and dwelt particularly on the mode proposed by the bill for electing the council, the varying their number, and the manner of choosing them.

*William Meredith* replied to Mr. Dunning. The stress of his argument went to show that our power to tax and regulate the commerce of the Americans was nothing more than that the navigation act, passed in the reign of Charles the Second, and explained and amended by several subsequent acts, spoke in this language; that by some of the provisions in the said law, a duty was laid on goods imported, or carried from one colony to another, whereas in the case of the said act it was optional; it was an article of commerce they might buy or not, just as they thought fit.

*Stanley* spoke upon the right of taxation and the sovereignty of Great-Britain over the colonies and dependencies.

*T. Townshend* disapproved greatly of the manner in which the present bill was drawn up. His arguments were more direct against the bill than any thing else.

*Colonel Barre* reduced the subject of debate to this question: "Whether we would conciliate the affections of our colonies by lenient or hostile measures?" The colonel related the proceedings of different ministers, with respect to America. The late Charles Townshend he censured for taxing America, and making an injudicious choice of commissioners to execute the trust; the conduct of governor Hutchinson he condemned; that of governor Tryon he praised. The colonel confessed he had consented to the blockading the port of Boston, thinking it might produce a compromise for the damage the East-India company had sustained. Vesting the appointment of the council in the crown, would, the colonel contended, render the very office so odious, that no man of respectable character would be found willing to accept the trust. The colonel said, administration were about to alter the charter of a constitution, without knowing the particular nature of its form of government; that the evidence of the culpability of the Americans was incomplete; that the petition of Bollen, the agent, ought in justice to have been received; that the bill was a shock to equity, and inimical to every principle of policy: that the protection proposed to be afforded the military, would heap only odium on their heads; that a continued stretch of the tone of civil authority would prove destructive to the body politic; that when insulted by France or Spain we had recourse to negotiation, when offended by our colonies we instantly resorted to fleets and armies. The colonel concluded by affirming, that the present measures were pregnant with cruelty and injustice, and would eventually draw down destruction on Great-Britain.

*Lord Barrington* rose for a few minutes to explain some matters concerning which he had been called on by the colonel.

*Mr. Stephen Fox* spoke against the bill, on the idea that the bill was a strange jumble of the legislative and executive power mixed together.

*Lord Carmarthen* was strongly in favour of the bill. He commended highly the abilities of a certain noble lord, once a popular commoner. He said he was well informed that he had changed his sentiments relative to the Americans, which he supposed he would shortly avow in the other House.

*Hon. Mr. St. John* had recourse to the foundation of all government necessity. He said that America was not to be put in competition with Great-Britain; and thanked God, we neither wanted fleet nor army, money nor men.

*Mr. Rigby* was very severe on the great minister alluded to by lord Carmarthen. He said he had made the British Empire too big and unwieldy for either him or any other minister to govern or properly direct; that he hoped, for the sake of consistency, he had not given



given up his former principles and opinions, as asserted by the noble lord.

*General Conway* replied with equal spirit and ability to *Mr. Rigby*, condemned the stamp tax, and defended the repeal with all possible energy, and without the least reserve.

*Lord George Germaine* spoke in favour of the bill, but highly disapproved of the Boston port bill. *Mr. Dunning* having, in the course of the debate, mentioned *pains and penalties*, his lordship observed, that charge might be made with much greater propriety against the bill which shut up their port, so hurtful to private property, and destructive to commerce.

*Mr. C. Fox* condemned the bill throughout, and predicted the worst consequences from the present measure.

*Mr. Attorney General* arraigned, in the bitterest terms, the rebellious disposition, and seditious conduct of the Americans, as

well as the pusillanimous measures which formerly prevailed in our councils.

*Mr. Burke* rose a quarter before twelve and continued speaking till almost one o'clock. He went through a recapitulation of the whole of his arguments in the preceding debates on the same subject.

*Sir George Savile* rose to explain: he added it was to little purpose to oppose the bill in any stage of it, for it had been determined on, before it made its appearance in that House.

*Lord North* concluded the debate, and a speech of an hour and five minutes attempted to answer the several main objections started by the opposers of the bill, and the question being put, it was carried by a majority of almost four to one.

May 12. The House agreed to the amendments made by the Upper Assembly to the Massachusetts government bill.

*An Abstract of the Bill for the better regulating the Government of the Province of Massachusetts Bay in North America.*

**T**HE preamble recites, that by letters patent under the great seal of England, made in the 3d year of William and Mary, for uniting, erecting, and incorporating the several colonies, &c. therein mentioned, into one real province, by the name of Massachusetts Bay, it was ordained, among other things, that the governor should be appointed, &c. by their said majesties, that from the expiration of the term, for and during which the twenty-eight persons named therein be the first counsellors or assistants to the governor; and the same number every year thereafter should be chosen by the general assembly; and whereas the said mode of election, with the authorities and privileges therein mentioned, hath, by repeated experience, been found to be extremely ill adapted to the plan of government established as aforesaid, and hath been so far from attaining the good ends and purposes thereby intended, to the promoting the internal welfare, peace, and good government, or the maintenance of that just subordination to the laws of Great-Britain, that the manner of exercising the powers, privileges, &c. aforesaid, by the persons so elected, hath been for some time past such as had the most manifest tendency to obstruct and defeat the execution of the laws, to weaken the attachment of his majesty's well-disposed subjects, and to encour-

rage the ill-disposed in the said province to proceed even to acts of direct resistance, in defiance of his majesty's authority; which last has actually taken place in the town of Boston and neighbourhood thereof. It is therefore under these circumstances become absolutely necessary, as well for the continuance of the mutual benefits arising from the commerce and correspondence between this kingdom and that province, and of the just dependence of the said province on the crown and parliament of Great-Britain; that the said mode of annual election of the counsellors and assistants aforesaid, should no longer be suffered to continue, but that the appointment of the same shall henceforth be put on the like footing as is established in all other of his majesty's colonies or plantations in America, the governors whereof are appointed under the great seal of Great-Britain.

The first clause enacts, that the mode of electing the said counsellors and assistants, under the charter of the third of William and Mary, shall be discontinued and cease; and that on the first day they shall be appointed and nominated by his majesty, his heirs and successors, by warrant, under his or her sign manual, agreeable to the practice now used in such of the colonies, the governors whereof are appointed by commission under the great seal; the said counsellors and assistants



ants to be composed of the inhabitants and proprietors of lands within the same.

The second clause enacts, that the councillors or assistants shall hold their respective offices during pleasure, and enjoy all the powers, privileges, &c. at present held, exercised, or enjoyed, by those holding and acting under the said charter, except as therein after excepted.

The third clause empowers the governor, or in his absence the lieutenant governor, to nominate and appoint under the seal of the province, the judges of the inferior courts of common pleas, commissioner of Oyer and Terminer, the attorney general, clerks, provosts, marshals, justices of the peace, and other officers to the council or courts of justice; and to remove the same without the consent of the council, but that the said persons so appointed shall have, hold, and enjoy, their respective offices, and exercise and act in the full execution of the same to all intents and purposes as if the present act had been never made, any law, statute, or usage, to the contrary notwithstanding, unless the same shall be determined by death, or removal by the governor, or other avoidance, as the case shall happen.

The fourth clause ordains, that on the vacancy of the offices of chief justice and judges of the superior court, the governor, or in his absence the lieutenant governor, without the consent of the council, shall have power and authority to appoint to, and fill up the same; and that the persons succeeding to such offices, under the said appointment, shall hold the same commissions during his majesty's pleasure, and shall not be removed but by his majesty, his heirs, or successors, under his or her sign manual.

The fifth clause enacts, that the governor, lieutenant governor, chief justice, judges of the superior court, the secretary, shall be, and are, to be appointed, during the continuance of their respective offices, justices of the peace in and for every county of the said province, with the powers and authorities given to justices of the peace by virtue of their commissions, as in and by the act bearing date the 17th of March 1775.

commission, or by any act of the general court.

The next clause recites an act of the general court of the said province, made in the 4th of William and Mary, intituled, an act for regulating townships, choice of town officers, and setting forth their power, whereby the freeholders, &c. of the several townships, rateable at twenty pounds estate, are authorized to assemble in the month of March in every year for the election of select men, for making bye-laws, and for other purposes therein mentioned. And it further recites, that great abuse has been made of the calling of such meetings, and the inhabitants, contrary to the design of their institution, been misled to treat of matters of the most general concern, and to pass many dangerous and unwarrantable resolves, for remedy thereof.

It is further enacted, that after — day no such town-meeting shall be called by the select men, or at the request of any number of freemen without the leave of the governor in writing, expressing the special business, except the annual election meeting in the month of March.

And the bill recites, that by an act of assembly, in the reign of William the Third, and three other acts of assembly made in the 11th year of the same reign, jurors, as well grand as petit, have been summoned by the constables of the several towns, by virtue of writs, directed to them, by the clerks of the respective courts, which practice of summoning, without the intervention of the sheriff jurors, has been found detrimental to the administration of justice; it is, therefore, ordained, that so much of those acts as relate to or directs the returns of juries, shall cease and be discontinued, and that the jurors shall hereafter be returned by the sheriffs of the several counties, and no otherwise, before the sitting of the superior court and the justices of the peace at the quarter sessions, in such manner, method and form, as are directed by an act of the 8th of William the Third, as well as several other acts passed in the same reign and that of his late majesty.

It is further ordained, that the several persons qualified to serve on juries



juries shall be returned and recorded at the quarter sessions, in such manner as is directed by the said acts of William the Third, and his late majesty; and that special juries may be struck as they are in the courts of Westminster at trials at bar; and that on a motion of either of the parties, in any cause of action, which shall be brought to issue, the superior court may order the same to be tried in any county, other than that where the said cause or ac-

tion shall have been brought or by a jury of such other county:—the penalties of non-compliance with the clause to be the same as are severally mentioned in the said acts of parliament referred to. The sheriff is likewise indemnified in the execution of the same, by pleading the general issue, and giving the special matter in evidence; and in case of a verdict shall recover double costs.

## L O R D S P R O T E S T

AGAINST THE ABOVE BILL.

*Die Mercurij, 11<sup>o</sup> Maij, 1774.*

**T**HE order of the day being read for the 3d reading of the bill, intituled, "an act for the better regulating the government of the province of the Massachusetts Bay, in New-England;" and for the lords to be summoned:

The said bill was accordingly read the 3d time.

Moved, that the bill, with the amendments, do pass.

Which being objected to,

After a long debate,

The question was put thereupon.

It was resolved in the affirmative.

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*Dissentient.* BECAUSE this bill, forming a principal part in a system of punishment and regulation, has been carried through the House without a due regard to those indispensable rules of public proceeding, without the observance of which no regulation can be prudently made, and no punishment justly inflicted. Before it can be pretended, that those rights of the colony of Massachusetts Bay, in the election of counsellors, magistrates, and judges, and in the return of jurors, which they derive from their charter, could with propriety be taken away, the definite legal offence, by which a forfeiture of that charter is incurred, ought to have been clearly stated and fully proved; notice of this adverse proceeding ought to have been given to the parties affected; that

they ought to have been heard in their own defence. Such a principle proceeding would have been invariably observed in the courts below. Is not technical formality, but substantial justice. When therefore the magnitude of such a cause transfers it from the cognizance of inferior courts, to the high jurisdiction of parliament, the lords are far from being authorized to reject this equitable principle, that we be bound to an extraordinary and rigorous strictness in the observance of. The subject ought to be indemnified by a more liberal and beneficial jurisdiction in parliament, for what he must inevitably suffer by being deprived of many of the forms which are well established in the courts of ordinary resort, for his protection against dangerous promptitude of arbitrary discretion.

2dly, Because the necessity alleged for this precipitate mode of judicial proceeding cannot exist. If the numerous land and marine forces, which are ordered to assemble in Massachusetts Bay, are not sufficient to that single colony in any tolerable degree of order, until the cause of its charter can be fairly and equally tried, no regulation in this bill, or in any of hitherto brought into the House sufficient for that purpose; and conceive, that the mere celerity of decision against the charter of the province, will not reconcile the minds of the people to that mode of go-



ent which is to be established upon ruins.

ly, Because lords are not in a position to determine how far the regulations of which this bill is composed, agree or disagree with those parts of the constitution of the colony that are not altered, with the circumstances of the people, and with the whole detail of their municipal institutions. Neither the charter of the colony, nor any account whatsoever of its courts and judicial proceedings, or their mode, or the exercise of their present powers, have been produced to the House. The slightest evidence concerning any one of the many inconveniences, stated in the preamble of the bill to have arisen from the present constitution of the colony jurisdictions, has not been produced, or even attempted. On the same general allegations of a declaratory preamble, by other right, or all the rights of any or any other public body, may be taken away, and any visionary scheme of government substituted in its place.

ly, Because we think, that the appointment of all the members of the council, which by this bill is vested in the crown, is not a proper provision for preserving the equilibrium of the colony constitution. The power given to the crown of occasionally increasing or lessening the number of the council on the report of governors, and at the pleasure of ministers, must make these governors and ministers masters of every question in that assembly; and by destroying its freedom of deliberation, will totally annihilate its use. The intention avowed in this bill, of bringing the council to the platform of other bodies, is not likely to answer its end; as the colonies, where the council is named by the crown, are not all better disposed to a submission to the practice of taxing for support without their consent, than this Massachusetts Bay. And no prospect of bringing it to the model of English constitution can be supposed, as none of those American councils have the least resemblance to the House of Peers. So that this new scheme of a council stands upon no foundation which the proposer of it think proper to acknow-

5thly, Because the new constitution of judicature provided by this bill is improper, and incongruous with the plan of the administration of justice in Great-Britain. All the judges are to be henceforth nominated (not by the crown) but by the governor; and all (except the judges of the superior court) are to be removable at his pleasure, and expressly without the consent of that very council which has been nominated by the crown.

The appointment of the sheriff is by the will of the governor only, and without requiring in the person appointed any local or other qualification; that sheriff, a magistrate of great importance to the whole administration and execution of all justice, civil and criminal, and who in England is not removeable even by the royal authority during the continuance of the term of his office, is by this bill made changeable by the governor and council, as often, and for such purposes as they shall think expedient.

The governor and council, thus intrusted with powers, with which the British constitution has not trusted his majesty and his privy council, have the means of returning such a jury in each particular cause, as may best suit with the gratification of their passions and interests. The lives, liberties, and properties of the subject are put into their hands without controul; and the invaluable right of trial by jury, is turned into a snare for the people, who have hitherto looked upon it as their main security against the licentiousness of power.

6thly, Because we see in this bill the same scheme of strengthening the authority of the officers and ministers of state, *at the expence of the rights and liberties of the subject*, which was indicated by the inauspicious act for shutting up the harbour of Boston.

By that act, which is immediately connected with this bill, the example was set of a large important city (containing vast multitudes of people, many of whom must be innocent, and all of whom unheard) by an arbitrary sentence, deprived of the advantage of that port, upon which all means of acquiring their livelihood did immediately depend.

*This proscription* is not made determinable on the payment of a fine for



an offence, or a compensation for an injury; but is to continue until the ministers of the crown shall think fit to advise the king in council to revoke it.

The legal condition of the subject (standing unattainted by conviction, for treason or felony) ought never to depend upon the arbitrary will of any person whatsoever.

This act, unexampled on the records of parliament, has been entered on the journals of this House, as voted *nemine dissentiente*, and has been stated in the debate of this day, to have been sent to the colonies, as passed without a division in either House, and therefore as conveying the uncontroverted universal sense of the nation.

The despair of making effectual opposition to an unjust measure, has been construed into an approbation of it.

An unfair advantage has been taken on the final question for passing that penal bill, of the absence of those lords, who had debated it for several hours, and strongly dissented from it on the second reading; that period on which it is most usual to debate the principle of a bill.

If this proceeding were to pass without animadversion, lords might think themselves obliged to reiterate their debates, at every stage of every bill which they oppose, and to make a formal division whenever they debate.

7thly, Because this bill, and the other proceedings that accompany it, are intended for the support of that unadvised scheme of taxing the colonies, in a manner new, and unsuitable to their situation and constitutional circumstances.

Parliament has asserted the authority of the legislature of this kingdom, supreme and unlimited, over all the members of the British empire.

But the legal extent of this authority furnishes no argument in favour of an unwarrantable use of it.

The sense of the nation on the repeal of the Stamp Act was, *that in equity and sound policy, the taxation of the colonies for the ordinary purposes of*

*supply, ought to be forborne*; and that this kingdom ought to satisfy itself with the advantages to be derived from a flourishing and increasing trade, and with the free grants of the American assemblies, as being more beneficial, far more easily obtained, less oppressive, and more likely to be lasting than any revenue to be acquired by parliamentary taxes accompanied by a total alienation of the affections of those who were to pay them. This principle of repeal was nothing more than a return to the ancient standing policy of this empire. The unhappy departure from it, has led to that course of shifting and contradictory measures, which have since given rise to such continued distractions; by which unadvised plan, new duties have been imposed in the very year after the former had been repealed; these new duties afterwards in part repealed, and in part continued, in contradiction to the principles upon which those repealed were given up; all which, many *weak, injudicious, and precipitate steps* taken to enforce a compliance, have kept up that jealousy which on the repeal of the Stamp Act was subsiding; revived dangerous questions, and gradually estranged the affections of the colonies from the mother country, without any object of advantage to either. If the former proposed should have its full effect that effect we greatly apprehend will not continue longer than whilst the sword is held up. To render the colonies permanently advantageous they must be satisfied with their condition. That satisfaction we see no chance of restoring, whatever measures may be pursued, except by recurring in the whole, to the wise and salutary principles on which the Stamp Act was repealed.

RICHMOND,	ROCKINGHAM,
PORTLAND,	ABERGAVENNY,
ABINGDON,	LEINSTER,
KING,	CRAVEN,
EFFINGHAM,	FITZWILLIAM,
PONSONBY,	



## For the LONDON MAGAZINE.

*we have brought the Debates and Proceedings of the last Sessions of the last Parliament near to a conclusion, and several interesting particulars and Debates have already occurred in the present Sessions, we shall proceed to give Monthly an early and faithful Account of them.*

## DEBATES OF A POLITICAL SOCIETY.

*First Session of the Fourteenth Parliament of GREAT-BRITAIN; met at Westminster, the 29th of November, 1774.*

THE king being on the throne in the House of Peers, and the Commons attending, the Lord Chancellor directed the Commons to chuse a Speaker, and present him the next day.

The Commons returned to their own House.

Lord Guernsey moved that the late Speaker, Fletcher Norton, be chosen Speaker.

His lordship was seconded by Lord R. Spencer.

The House agreed to the motion.

NOVEMBER 30.

The king being on the throne in the House of Peers, the Commons attended and presented their Speaker, who being approved, the king opened the sessions with a speech, printed in our Magazine for last December.

DECEMBER 5.

Lord Beauchamp, after animadverting on the spirit of the colonists, moved that an humble address be presented to his majesty, in thanks for his gracious speech from the throne.

Mr. T. De Grey junior seconded the motion.

Lord John Cavendish, after condemning the conduct of administration respecting the colonists, proposed an amendment, in substance, that his majesty would be graciously pleased to communicate the intelligence he had received from America, since the last sessions, to the House.

Mr. F. Montague seconded this motion, and censured the address.

The friends of the address, as moved by Lord Beauchamp, argued, that an address was no more than a general compliment, a measure of course at the beginning of every session; that particular measures were not the objects of consideration; and that the judgment of the House upon the affairs of America would be taken on a future day.

The friends of the amendment argued, that though no particular measures were at present under consideration, yet the address being drawn up in such very general terms, it implied, and even contained, a general approbation of all the late measures

taken with America; that this general judgment could not, nor ought not, to be given without the fullest information; and that a delay in forming such judgment, while the most important concerns of England and America were depending upon it, might be fatal.

Some gentlemen, who declared themselves not attached to either side, said they would vote for the address as moved by Lord Beauchamp; not because they would be thought to approve of the late measures against America; on the contrary, they did not consider this vote as making any engagement to approve of any measures; for they should consider themselves, they said, notwithstanding this vote, entirely at liberty upon all future questions; but they would vote for the address, because an address was become a business of course.

Lord North said, this was not a proper time to enter upon any discussion of the affairs of America; that however necessary and agreeable a reconciliation with America might be, yet as no terms had been offered by America, England would not submit first; and as matters therefore were in a state of suspense, he hoped the noble lord would withdraw his motion. He made some apologies for the late parliament, which passed the acts against America, and called it a good parliament.

Col. Barré replied to Lord North, and said, America had offered terms. He read a passage in Mr. Dickinson's pamphlet, entitled "a New Essay, &c." which in his opinion contained a very sufficient ground to accept and to negotiate upon. The scheme of reducing the colonies by force, he termed wild, incoherent, and impracticable.

Governor Johnstone thought America not tenable upon the terms and principles laid down in the proposed address. He was very glad to hear some apology made for the late parliament, for, in his opinion, no parliament ever stood in greater need of an apology.

Mr. Burke compared the language now artfully held to the new members, of the address being only a compliment, to the insinuations of a designing lover, who, under the



the pretence of honourable addresses, first squeezes the hand of his mistress, then asks her to take a turn in the park, next into the country, and so on, step by step, till at length he *dishonours her*. In the last parliament, he said, it was the minister's language, that the late acts would humble America, that by punishing Boston all America would be struck with a panic: Boston would be abandoned, all would be afraid to give any relief to Boston, lest they should share the same fate. The very contrary is the case. The cause of Boston is become the cause of all America. Every part of America is united in support of Boston. "By these acts of oppression, said he, you have made Boston the Lord Mayor of America." The present situation of America he compared to a funeral; trade and commerce were pall-bearers, the merchants and traders chief mourners, the West Indian and African merchants closed the procession, and the army and navy, at a distance, looked on in gloomy silence at so melancholy a spectacle.

Right Hon. T. Townshend, Mr. Hartley, and Mr. Fox, spoke in favour of the amendment: this last gentleman observed on the manner in which the gallery was cleared. He said it was a mere *ministerial trick* to stifle enquiry and shorten debate; for if the gallery had been open, administration must have been obliged to break that silence and unconcern they now affected to hold. It was extremely unfair, he said, that persons should be shut out from being present at the discussion of a question, in the event of which they were so highly interested; and concluded by a succession of very pointed and severe animadversions.

Lord Carmarthen, Sir William Mayne, Sir George Macartney, Mr. Wedderburne, and Mr. Van, spoke for the address as proposed by Lord Beauchamp.

The House divided upon the amendment at near eleven o'clock, for it 73, against it 264.

The address was as usual an *humble echo* of the most gracious speech in which it was said—"Your faithful Commons, animated by your majesty's gracious assurances, will use every means in their power to assist your majesty in maintaining entire and inviolate the supreme authority of this legislature over all the dominions of your crown; being truly sensible that we should betray the trust reposed in us, and be wanting in every duty which we owe to your majesty and to our fellow subjects, if we failed to give our most zealous support to those great constitutional principles, which govern your majesty's conduct in this important business, and which are so essential to the dignity, safety, and welfare of the British empire.

We assure your majesty that we will, with the *utmost cheerfulness*, grant to your ma-

jesty every necessary supply; and that we consider ourselves bound by gratitude, as well as duty, to give every proof of our most affectionate attachment to a prince, who, during the whole course of his reign, has made the happiness of his people the object of his views, and the rule of all his actions.

### THE KING'S ANSWER.

Gentlemen,

I return you my particular thanks for your very loyal and dutiful address. I receive with the highest satisfaction and approbation your assurances of assistance and support in maintaining the supreme authority of the legislature over all the dominions of my crown. It shall be my care to justify by my conduct the confidence you so affectionately express, and to shew that I have no interests separated from those of my people.

A similar address was presented by the House of Lords, against which nine lords protested \*.

DECEMBER 6.

Mr. Speaker said, it is usual that *double returns* be heard first, next the *elections*, and lastly *complaints* concerning undue elections; but what I have to acquaint the House with, is of much higher consequence. By the standing order, I am ordered, "that all persons who will question any returns of members to serve in parliament, do question the same within *four days next*;" and by the late act for determining controverted elections, it is enacted "that *whenever* a petition, complaining an undue election, &c. is presented, it shall be received, be read by the clerk, on a day fixed for appointing a committee to examine and try the same." Such being the state of the matter, I should be glad to hear the opinion and direction of the House in what manner to act.

Mr. Cornwall. I rise, with all imaginable diffidence, to impart my doubts on a subject which has now fallen from the chair, because I perceive it to be involved in great difficulty. By the standing order, if a petition be presented the 15th day, it will come too late to be considered; must, contrary to the general sense of the House, be rejected, unless we break through the antient and established usage of the House. On the other hand, if we do receive it, we resist the positive words of an act of parliament; for by them, we are obliged to entertain a petition, and send a committee *whenever* it is presented, to inquire into the cause of complaint, *ex grat. rose* in seven sessions, and redress should not be sought after seven sessions hence. I would therefore submit it to the good sense and candour of the House, whether, considering the nature of the standing order, and the relation it bears to the act, and the act with the standing order, would not be more proper and convenient.

\* Vide the Lords address and protest in our Magazine for December.



we might have, in the first instance, a power to enlarge the time to more than seven days, as well as reject petitions, if motions or ill-grounded; and whether, in that would not be the rational and substantial construction of the act in question.

Mr. Dunning. My honourable and learned friend over the way has started an objection, which, were it to prevail in the manner he is desirous it should, would in reality defeat the act, which some short time since appeared to be so justly the favourite of a majority of this House. I trust there are many friends to that act now present, and I have a friend and honourable one now in my eye [Mr. Wedderburne] who, I make no doubt, exert himself in its support, and do all in his power to resist such an attempt, howsoever strenuously urged, or covertly and plausibly received. The evil which the act was designed to remove and guard against, was partiality in this House on controverted questions. I believe no man here will deny, that too many instances of that kind have occurred; indeed its several provisions are the clearest proof, that was the sole intention of its framers and friends. What then will be the probable consequence were my learned friend's ideas to prevail? It would be this, that a majority of this House, no matter whether of this or that party (for we cannot be ignorant of what a party is capable of doing) without enquiry, and perhaps only knowing the name of the town, or the petitioner, or the cause to which he claims a right, would usurp a jurisdiction to determine the merits in the first instance, could at once upon itself to reject a petition, without hearing or trial whatever. In fine, if this be the method the honourable and learned friend, in this business, and his friends have adopted to defeat every true and salutary purpose of the act, both in point of sense, construction, and letter, I would wish them first to speak out, and attack it directly, rather than thus side-ways endeavour to defeat it by forcing an interpretation it will by no means admit of.

Mr. Cornwall. No man in this House more approves of the act in question in several respects than I do. I am not surprised, therefore, if the learned gentleman thinks that the power as I have mentioned would lead to the act, that he should be desirous to prevent its supposed ill consequences; but I think he has equally mistook my meaning and intentions. All I wish for is, that the House, if a petition on a true ground were presented, might be deemed competent to enquire, though the fourteen days prescribed by the present order were expired. As to the

learned gentleman's fears, that such a power might be abused, the Journals of Parliament do not furnish an instance of a petition being rejected, complaining of an undue election, without being sent to a committee.

Mr. Dunning. How the fact now stated by the hon. gentleman may be, I will not pretend to say; but this I am confident of, that if it were strictly true, it would still be a stronger motive with me to resist the vesting any such power in this House; because, if in former times the House did not reject in the first instance, the reason was obvious, as those who led it could effect with certainty and facility, under the appearance and sanction of a judicial decision, what, if they had done in the first instance, would carry with it the strongest marks of the most manifest partiality. But being by the act now under consideration, totally precluded from exerting that shameful influence, should the reasons now offered by the learned gentleman prevail, they will, in a summary way, be enabled to do that which is denied them in any other. Should the House be vested with this negative, the petition may concern Blackacre, and the petitioner be John a Stiles; and both the town and petitioner may chance to be extremely disagreeable to those who govern and lead the majority of this House, no matter who they are or may be. What then is to be done? The committee cannot pass over the justice of the cause, to stigmatize the petitioner for his turpitude, nor punish the town for its delinquency; on the contrary, they will be under a necessity of judging rigidly, according to the true merits of the question. That there have been many decisions *within these walls*, answerable to this description, I believe few will controvert; nay, indeed, I might add, as *iniquitous and unjust*, as ever came to my knowledge *without them*; and they have been sufficiently corrupt and numerous. I therefore call on the former friends of the bill, who I trust have not so soon changed their minds, to stand forth and assist me in defending it; for which purpose, Mr. Speaker, I beg to make the following motion, and to take the sense of the House on it.

"That, according to the true construction of the said act, whenever a petition, complaining of an undue election, or return of a member to serve in parliament, shall be offered to be presented to the House, within the time limited by the order of the House, for questioning the returns of members to serve in parliament, the said petition shall be delivered in at the table, and read, without a question being put thereupon."

Mr. Burke, Mr. Wedderburne, and Mr. Hartley, spoke for the motion, and Mr. Rigby, Mr. Thurlow and Mr. Fox, against it.

It was mistaken; 4 March, 1716, a petition from the inhabitants of Leominster, complaining of an undue election, was moved to be referred to the committee of privileges and elections; and in the negative: it was afterwards resolved, that the said petition be rejected.

However



However the motion was agreed to without a division, and it is made a resolution of the House.

Several gentlemen having petitions to present, and each being desirous of an early day being appointed for hearing them, the Speaker was embarrassed how to decide, or to which he ought to give the preference, and therefore desired the assistance and direction of the House. This produced a conversation; at length Mr. *Rose Fuller* proposed, that when more than one petition, complaining of an undue election, or double return, is presented on the same day, Mr. Speaker do order the names of the counties, cities, or boroughs, from whence the said petitions are received, to be written on pieces of paper of the same size, and being rolled up, to be put by the clerk into a glass, and be publicly drawn out, one at a time, by the clerk, and then read, and proceeded upon in the order in which they are drawn. After a few words this motion was agreed to. The petitions ready were immediately delivered, and the clerks proceeded according to this new regulation. This is the first instance of any decision in the nature of a ballot being adopted in the House of Commons.

DECEMBER 7, 8, 9.

Petitions and private business.

DECEMBER 12.

In a debate on the number of petitions, Mr. E. *Burke* in a very masterly manner explained to the House, that the number of petitions, which were already presented, in his opinion was a proof of the just light the public held Mr. *Grenville's* act in; that it was always customary, when a new Court of Judicature was erected, that a number of causes came to be tried before it; that he had no right to believe, that any of the petitions were frivolous or vexatious; yet if they were, when they came to be tried, he hoped they would be treated as such.

Mr. T. *Townshend* arose and said, he did not wish to make a motion, but he had often lamented that the gallery doors of that House were shut against the Peers; for by that means several young Lords, who wished to hear and be instructed, were deprived of the privilege; that he by no means meant to open the gallery for the admission of Peers, with a view that it would influence them to open their doors; but as both Houses had acted absurdly, in his opinion the first that corrected the absurdity would stand on the highest ground.

Mr. *Rice* said he had no objections to the doors being opened; but as the behaviour of the Lords had been so outrageous, he should be against allowing them any admittance, lest it should be construed as a concession; that the question, whether THEIR doors should be open had lately been discussed, and they had absolutely refused to let them.

Mr. *Stanley* was against, but Sir Gilbert Elliot for the gallery doors being always open and strangers admitted, unless on particular oc-

casions, when the House is so full of members, that there is not sufficient room for below.

Colonel *Barre* said, he had been told, in the latter end of the reign of George First, or beginning of the reign of George Second, a like affair happened; both Houses shut the doors against each other, and John Duke of Argyle gave it as his opinion that the Peers of the land, by their birth education, ought to be more polite and better manners than the Commons; therefore it was expedient in them to set the Commons an example and open their doors.

Mr. T. *Townshend* said, he perfectly agreed with the hon. gentleman (Mr. *Rice*) in the outrageous behaviour of the Lords, and that he should not to be forgotten, and that he should wish to have resent the insult offered to those who were daring enough to offer yet when he considered the shameful manner in which business was conducted in the House of Lords, owing in a great measure to their not being permitted to hear the ground on which bills were founded or objected that several of the Peers had expressed to him that they were ashamed of the proceedings of their brethren, and meant to have voted against them.

Mr. *Burke* said he by no means agreed with the Duke of Argyle, that the Peers of the realm had more manners than the Commons; he touched upon the pride of the Peers, and said he apprehended more true politeness to be found among the country gentlemen; he then argued in favour of opening the doors of both Houses on the principle of declaring that if he could do his duty without, he would never desire to enter the doors of the House of Peers; but he was well convinced, that upon certain occasions was absolutely necessary the members should have free access to their respective Houses; that a great commercial bill, the import of provisions from Ireland, would probably have been lost, if he had not had access to the House of Peers, to explain the principle which that bill went; and that if the doors of that House had not been shut against the Lords last session, the bill for the security of literary property would never have been rejected with such contempt, after it had passed the House of Commons; for if the Peers had come down and heard the arguments on it, it would have met with a different fate.

No motion being made on this subject, the thing was done.

The order of the day was now called for the House to resolve itself into a Committee of Supply to his Majesty; the Speaker accordingly left the chair, and Sir *Whitworth* being seated, Mr. *Buller*, one of the Lords of the Admiralty, moved, "16,000 seamen, including 4284 to be granted for the year 1775."

He prefaced his motion with setting forth that Admiral *Farland* was daily expected



the East-Indies, with three sail of the  
and by that means 16000 would be  
sent, which was 4000 less than last

J. Townshend desired to know why  
were necessary last year, and 16000  
do this—and what quantity were  
to be sent to America, and  
proportion left to guard us at home.

Mr. Buller attempted to solve Mr. Town-  
shend's questions, but could not; he there-  
fore read an extract of a letter from Admiral  
Boscawen, commander at Plymouth, inform-  
ing that they had several supernume-  
ry seamen, and that their guardships  
were full; that the number of ships in  
the fleet were three third-rates, one-fourth  
six sixth-rates, seven schooners, and  
armed vessels; the number of seamen

Mr. Luttrell said he was much surprized  
the hon. gentleman mention the  
four seamen in such a manner; that,  
if he had been apprized of the business coming  
forward, he would have prepared himself to  
answer him more fully; yet he was  
not a judge of maritime affairs as to  
it was impossible that the ships or  
the hon. gentleman had mentioned  
in America could be there for some  
time, for ships that went out at this season  
were prevented by winds and weather, so  
they were obliged to go to the West-Indies  
and put back, and could not arrive in  
till the spring: that he should be  
informed whether or not the sea-  
men in the fleet to America were taken  
from the guardships here, which conse-  
quently weakened our strength at home, and  
almost defenceless; and whether the  
account of the full complement of  
ships include those draughted off to other

ships, and sent to America, which might be  
set down as *dead*, but were absolutely lost,  
as a defence to this country, until they re-  
turned.

Col. Barre said, he had been informed,  
that unless Admiral Harland arrived in ten  
days, it would be impossible for him to arrive  
in less than four months, therefore the  
number of seamen expected from his coming  
home was very precarious and not to be de-  
pended on.

Mr. Hartley desired to know the num-  
ber of ships that were on the American sta-  
tion before the present disturbance.

Mr. Buller answered, one fourth-rate, six  
sixth-rates, seven schooners, two armed  
vessels, and about 1900 men.

Col. Barre desired to know what force we  
have at home to defend us against any attack  
of an enemy.

Mr. Buller replied, after great hesitation,  
5900 men in the guardships, and 1168 men  
in the other ships on the British and Irish  
coasts.

Mr. Luttrell said, he was much afraid  
that as we would not take the Spaniards  
words, that they would not take ours, but  
take advantage of our weakness, and repay  
themselves for the piracies we committed  
prior to the last war.

Mr. Buller's partizans finding him hard  
pressed for further explanations, immediately  
adverted to their usual resource, "*the ques-  
tion! the question!*" which put an end  
to the business; the chairman then put the  
question, that it is the opinion of this com-  
mittee that 16000 seamen, including 4284  
marines, be granted for the year 1775, which  
being carried, the chairman left the chair,  
and the House then adjourned.

(To be continued.)

the EDITOR of the LONDON MAGAZINE.

Having CHARGE given by an American Judge, and the presentments of  
Grand Jury in consequence, are curious and valuable, and as such worthy  
a place in your useful Repository.

given by Judge DRAYTON of South Carolina, and Presentments of the  
Grand Jury.

South Carolina, Camden District, November Sessions, 1774.

a court of general sessions of the  
peace, Oyer and Terminer, af-  
ter general gaol delivery, begun  
at Camden for the district  
of Camden, on the 5th day of No-  
vember, in the year of our Lord  
1775, before the Honourable William  
Drayton, Esq. one of the jus-  
tices of our sovereign lord the king.

Ordered, that the charge of his  
honour the judge, together with the  
presentments of the grand jury at  
the present sessions, be published.  
By the court,

John N. Oglethorpe, D. C. C. and Sd.  
THE CHARGE.

Gentlemen of the grand jury,  
You are now met to discharge one  
of



of the most important duties in society, for you are assembled arbiters of the innocence or guilt of such of your fellow citizens who are so unfortunate as to have afforded occasion, however slight, for the laws to take cognizance of their conduct. You are authorized to pass judgment in the first instance upon the apparently guilty wretch, and by your acquitting voice you have power to shield apparent innocence from a malicious prosecution; such powers have the constitution of your country vested in you, powers no less important than truly honourable, when exercised with a fearless integrity.

It is your indispensable duty to endeavour to exercise these powers with propriety; it is mine concisely to point out to you the line of your conduct; a conduct, which the venerable constitution of your country intends, by protecting the innocent, and by delivering the guilty over to the course of law, should operate to flourish in its native vigour, even that constitution itself, from whose generous spirit we have a title to call ourselves freemen, an appellation which peculiarly distinguishes the English subjects (those unfortunately disappointed fellow-citizens in Quebec excepted) and ranks them above all the civilized nations of the earth.

By as much as you prefer freedom to slavery, by so much ought you to prefer a generous death to servitude, and to hazard every thing to endeavour to maintain that rank which is so gloriously pre-eminent above all other nations. You ought to endeavour to preserve it, not only for its inestimable value, but from a reverence to our ancestors from whom we received it, and from a love of our children, to whom we are bound by every consideration to deliver down this legacy, the most valuable that ever was or can be delivered to posterity. It is compounded of the most generous civil liberty which ever existed, and the sacred Christian religion released from the absurdities which are inculcated, the shackles which are imposed, the tortures which are inflicted, and the flames which are lighted, blown up and fed with blood, by the Roman catholic doctrines: doctrines which tend to establish a most cruel tyranny in church and state; a tyranny under which all Europe groan-

ed for many ages. And such are the distinguishing characters of this legacy, which may God of his infinite goodness and mercy long preserve us and graciously continue to our posterity! but without our pious and unwearied endeavours to preserve those blessings, it is folly and presumption to hope for a continuance of them. Hence, in order to stimulate your exertions in favour of your liberties, which protect your religious rights; instead of discouraging to you of the laws of other states, and comparing them with our own, allow me to tell you what your civil liberties are, and to charge you, which I do in the most solemn manner, to hold them dearer than your lives; a lesson which I charge at all times proper from the judge, but particularly so at this crisis when America is in one general and generous commotion touching this truly important point.

It is unnecessary for me to draw out the other character of those liberties to that great line by which they are distinguished; and happy is it for the subject that those liberties can be maintained in so easy and in so distinguishing a manner. And this is the distinguishing character: English people cannot be taxed, nay they cannot be bound by any law unless by their consent, expressed by themselves or their representatives of their free election. This colony was settled by English subjects; by a people from England herself; a people brought over with them, who planted in this colony, and who transmitted to their posterity, the invaluable rights of Englishmen; rights, which at that time, no contract, no climate could diminish. Thus possessed of such rights it is of the most serious importance that you strictly execute those regulations which have arisen from your parentage, and to which you have given the authority of laws by your given your constitutional consent that they should operate as laws; for your not executing what those laws required, you would weaken the force, and would shew, I may say, a reasonable contempt of your constitutional rights. Hence your laws arise, and which you are to defend and support at the hazard of your lives. Hence by all those which mankind hold most dear



your reverence to your an-  
cestors; your love to your own inte-  
rests; your tenderness to your poste-  
rity; by all the awful obligations of  
oath, I charge you to do your  
duty; to maintain the laws, the rights,  
the constitution of your country,  
at the hazard of your lives and  
honours.

*Some courtly judges* stile themselves  
the king's servants, a stile which  
sounds harshly in our ears, inasmuch  
as the being a servant implies obe-  
dience to the orders of the masters,  
and such judges might possibly think,  
in the present situation of Ameri-  
can affairs, this charge is inconsistent  
with my duty to the king. But for  
my part, in my judicial character, I  
know no master but the law; I am a  
servant, not to the king, but to the  
constitution; and in my estimation, I  
best discharge my duty as a good  
subject to the king, and a trusty officer  
of the constitution, when I boldly  
set the law to the people, and in-  
form them in their civil rights. In-  
deed you, gentlemen of the grand  
jury, cannot properly comprehend  
my duty, and your great obligation  
to perform it, unless you know those  
rights from which these duties  
arise, and by knowing the value of  
these rights, thence learn your obli-  
gations to perform these duties.

Having thus generally touched upon  
the nature and importance of your  
rights, in order to excite you  
to execute those laws to which they  
have given birth; I will now concisely  
set out to you the particular du-  
ties which the laws of your country  
impose at your hands.

Unbiassed by affection to, and un-  
influenced by fear of any man, or any set  
of men, you are to make presentment  
of every person and of every proceed-  
ing militating against public good.  
The law orders me particularly to  
be in charge, to watch carefully  
our Negro act, and our jury law,  
which cannot be too highly va-  
lued. Whether we regard the excellen-  
ce of its nature or the importance of  
the subject. This law carries in itself  
a visible mark of what high im-  
portance the legislature thought it when  
it enacted it; and it carries in it-  
self a kind of prophecy that its  
force in its native vigour would in  
times be endangered, and there-

fore it is that the law orders the  
judges ever to charge the grand juries  
to watch over it with care; indeed you  
ought to do so with the most jealous  
circumspection. A learned judge  
says, "every new tribunal erected for  
the decision of facts, without the in-  
tervention of a jury, is a step towards  
aristocracy, the most oppressive of ab-  
solute governments; and it is there-  
fore a duty which every man owes to  
his country, his friends, his posterity,  
and himself, to maintain to the utmost  
of his power this valuable constitu-  
tion in all its rights, to restore it to its  
ancient dignity, if at all impaired; to  
amend it wherever it is defective, and  
above all to guard with the most jea-  
lous circumspection, against the in-  
troduction of new and arbitrary me-  
thods of trial, which, under a variety of  
plausible pretences, may in time im-  
perceptibly undermine this best pre-  
servative of English liberty." Mr.  
Justice Blackstone terms the English  
trials by jury, the glory of the Eng-  
lish laws; let me tell you our trial by  
jury is that kind of glory in full meri-  
dian lustre, in comparison of which  
the English mode appears only with  
diminished splendor.

But let not your care of this great  
object occupy all your attention; you  
are to find all such bills of indictment  
as the examination of witnesses in sup-  
port of them may induce you to  
think there is a probability that the  
fact charged is true; for you are not  
to exact such circumstantial and posi-  
tive evidence as would be necessary to  
support the indictment before a petit  
jury. To make those presentments  
and to find these bills, it is not neces-  
sary that you all agree in opinion;  
twelve united voices among you are  
sufficient to discharge the duties of a  
grand jury; but it is absolutely ne-  
cessary that twelve of you agree in  
opinion upon every point under your  
consideration; and happy, thrice  
happy are that people who cannot be  
made to suffer under any construction  
of the law, but by the united voices of  
twenty four impartial men, having no  
interest in the cause, but that the  
laws be executed and justice be ad-  
ministered.

In short that you may discharge  
your duty with propriety, and that  
you may pursue that course of conduct  
which the law requires, let me in the



strongest terms recommend to you that you keep constantly in your mind the nature and particulars of the oath which you have just taken. To you this oath is of as much importance as the mariners compass is to those who sail on the ocean; this points out the course of their voyage; your oath as clearly points out to you the course of your conduct. I dare say you are willing to discharge that duty which you owe to society; I make no doubt but that you will discharge it with advantage to the public, and therefore with honour to yourselves.

The presentments of the grand jury for this district at a court of general sessions of the peace, Oyer and Terminer, assize and general gaol delivery, begun and holden at Camden, on the 5th day of November in the year of our Lord, 1774.

I. We present as a grievance, the extensive bounds of the parish of St. Mark, which makes it difficult for the churchwardens and overseers of the poor, to collect the poor tax, and is a great means to hinder the propagation of the gospel in the back parts of the said parish.

II. We present as a grievance, that there is not a law to ascertain the prices of entertainment at public houses; there being a great number of them in Camden district, who frequently impose on strangers and travellers, by making them pay exorbitantly for what they stand in need of, to the great detriment of the poor.

III. We present as a grievance of the most dangerous and alarming nature, the power exercised by the parliament, to tax and to make laws to bind the American colonies in all cases whatsoever. We conceive such a power is destructive of our birthrights as freemen, descended from English ancestors, seeing such freemen cannot be constitutionally taxed or bound by any law, without their consent, expressed by themselves, or implied by their representatives of their own election; a consent which the good people of this colony never have signified, to be taxed or bound by laws of the British parliament, in which they never have had any constitutional representation. And whereas we rather chuse to die freemen, than to live slaves bound by laws, in

the formation of which we have participation: so now, that the people of this district are legally assembled as one step towards the defence of constitutional rights, which are dear to us than our lives and fortunes, think it our indispensable duty to the people of the district, to ourselves the grand jurors for the body of people, and to our posterity, to clearly to express the sense of this large and populous district, touching our constitutional rights, and the imminent danger to which they are exposed from the *usurped power of British parliament*, taxing and by binding the Americans in cases whatsoever; being resolved to maintain our constitutional rights, the hazard of our lives and fortunes we do most earnestly recommend, this presentment in particular before our constitutional representatives in general assembly, who, doubt not, will do all in their power to support us in our just rights.

And lastly, in testimony of the satisfaction we feel, and the high estimation in which we hold the charge given by his honour the judge, at opening the court, and the principle of loyalty and liberty, in which same is manifestly founded, and that a lasting evidence may remain that true and constitutional language which it is the duty of every judge to adopt, in the exercise of an office constituted solely for the preservation of the laws; we make it our request that his honour will be pleased to direct the said charge to be printed and made public; fully persuaded that every man will read it with applause, and wishes a lasting security to the British constitutional establishment of civil and religious liberty; and we also recommend the publication of these our presentments.

MATTHEW SINGLETON, Foreman  
 Joshua English, John Gamble,  
 Silvester Dunn, Robert Carter,  
 John Perkins, sen. Henry Hunter,  
 John Payn, David Nelson,  
 Thomas Cauty, James Conyers,  
 Henry Cossels, David Wilson,  
 Jasper Sutton, Aaron Frierson,  
 Samuel Bradley, Moses Gordon,  
 Isham Moore, Samuel Cantry,  
 John Cauty, Edward Duke,  
 John Witherspoon, John Cantry.



To the EDITOR of the LONDON MAGAZINE.

SIR,

In your Magazine for January, you inserted all the proceedings of the province of Maryland, respecting the acts of parliament against Massachusetts Bay, down to the congress. I enclose, you have the subsequent proceedings—and next month I shall send you those of the province of Virginia, connected with authentic papers.

AMERICANUS.

Annapolis, Maryland, Dec. 14, 1774.

At a meeting of the deputies appointed by the several counties of the province of Maryland, at the city of Annapolis, by adjournment on the 14th day of December, and continued to the 15th—were present eighty five deputies.

JOHN HALL in the chair.

JOHN DUCKETT, clerk.

THE proceedings of the continental congress were read, considered, and unanimously approved. Resolved, that every member of this convention will, and every person in the province will, strictly and inviolably to observe and carry into execution the association agreed on by the said continental congress.

On motion, unanimously resolved, that the thanks of this convention be given, by the chairman, to the gentlemen who represented this province in the late continental congress, for the faithful discharge of that important trust: and the same was done accordingly.

To encrease our flocks of sheep, and thereby promote the woollen manufacture in this province, resolved, that no person ought to kill any lamb, before the first day of May year—nor other sheep, after the first day of January next, under four years of age.

To increase the manufacture of wool and cotton, resolved, that every planter and farmer ought to raise as much flax, hemp, and cotton, as he conveniently can; and the cultivation of flax is particularly recommended to the inhabitants of this province, as the lands are best adapted to that

purpose—And resolved, that no flaxseed, of the growth of the present year, ought to be purchased for exportation after the twelfth day of this month.

It being represented to this convention, that many merchants and traders of this province, from a scarcity of cash to make their remittances, and other causes, had sold their goods, within twelve months next before the twentieth day of October last, at, and sometimes even below, the prime cost; and that, in many different parts of this province, merchants had vended their goods at a very different advance on the prime cost; and it appearing to this convention to be unjust, to compel such merchants to sell their goods at prime cost, and that one general rule, allowing a reasonable profit to the trader, and preventing him from taking advantage of the scarcity of goods which may be occasioned by the non-importation, would give great satisfaction to the merchants and people of this province—resolved unanimously, that no merchant ought to sell his goods, at wholesale, for more than 112 one half per cent.—at retail, for cash, for more than 130 per cent.—on credit, for more than 150 per cent. advance on the prime cost; and that no merchant, or other person, ought to engross any goods, wares, or merchandize whatsoever.—And in case any question should arise, respecting the prime cost of goods, every merchant or factor, possessing or owning such goods, ought to ascertain the same on oath, if requested to do it by the committee.

As a further regulation, to enforce an observance of the late continental association—resolved unanimously, that in all cases, where breaches of the continental association, or the resolves of this convention, shall happen and be declared such by any committee of a county, no gentleman of the law ought to bring or prosecute any suit whatever for such offence. And, if any factor shall commit any breach of the said association or resolves, that no gentleman of the law ought to bring



bring or prosecute any suit, for any debt due to the store of which the said factor has the management, after notice as aforesaid.

Resolved, that it is earnestly recommended by this convention to the people of this province, that the determinations of the several county committees be observed and acquiesced in: that no persons, except members of the committees, undertake to meddle with, or determine any question, respecting the construction of the association, entered into by the continental congress, and that peace and good order be inviolably maintained throughout this province.

Resolved unanimously, that if the late acts of parliament, relative to the Massachusetts Bay, shall be attempted to be carried into execution by force in that colony, or if the assumed power of parliament to tax the colonies shall be attempted to be carried into execution by force, in that or any other colony, that, in such case, this province will support such colony to the utmost of their power.

Resolved unanimously, that a well regulated militia, composed of the gentlemen, freeholders, and other freemen, is the natural strength and only stable security of a free government, and that such militia will relieve our mother country from any expence in our protection and defence; will obviate the pretence of a necessity for taxing us on that account, and render it unnecessary to keep any standing army (ever dangerous to liberty) in this province. And therefore it is recommended to such of the said inhabitants of this province, as are from sixteen to fifty years of age, to form themselves into companies of sixty eight men; to chuse a captain, two lieutenants, an ensign, four sergeants, four corporals, and one drummer, for each company; and use their utmost endeavours to make themselves masters of the military exercise. That each man be provided with a good firelock and bayonet fitted thereon, half a pound of powder, two pounds of lead, and a cartouch-box, or powder-horn and bag for ball, and be in readiness to act on any emergency.

Resolved unanimously, that it is recommended to the committees of each

county to raise by subscription, or such other voluntary manner as they think proper, and will be most agreeable to their respective counties, such sums of money as, with any money already raised, will amount to the following sums in the respective counties to wit:

In St. Mary's county		£.
Charles	-	600
Calvert	-	800
Prince George's	-	366
Anne-Arundel	-	833
Frederick	-	866
Baltimore	-	1333
Harford	-	933
Worcester	-	466
Somerset	-	533
Dorchester	-	533
Caroline	-	480
Talbot	-	350
Queen-Anne's	-	400
Kent	-	533
Cecil	-	566
		400

£. 10,000

And that the committees of the respective counties lay out the same, in purchase of arms and ammunition for the use of such county, to be secured and kept in proper and convenient places, under the direction of the committees.

Resolved unanimously, that it will be necessary that a provincial meeting of deputies, chosen by the several counties of this province, should be held in the city of Annapolis, Monday the 24th day of April next, unless American grievances be redressed before that time; and therefore we recommend that the several counties of this province chuse deputies as soon as conveniently may be, to attend such meeting. And the committee of correspondence for this province, are empowered to call a meeting of the said deputies, before the said 24th day of April, if they esteem it necessary.

Resolved unanimously, that contributions from the several counties of this province, for supplying the necessities, and alleviating the distresses of our brethren at Boston, ought to be continued in such manner, and for so long, as their occasions may require, and that it is the duty of the committees of each county, to con-



transmit the same as soon as possible.

Resolved unanimously, that the honourable Matthew Tilghman, John Hall, Samuel Chase, Thomas Johnson, junior, Charles Carroll, of Carrollton, Charles Carroll, barrister, and William Paca, Esqrs. or any three or more of them, be a committee of correspondence for this province.

Resolved unanimously, that the honourable Matthew Tilghman, and Thomas Johnson, junior, Robert Morris, William Paca, Samuel Chase, John Hall, and Thomas Stone, or any three or more of them, be delegates to represent this province at the next continental congress, and that they, or any three or more of them, have full and ample power to consent and agree to all measures, which such congress shall deem necessary and effectual to obtain a redress of American grievances; and this province bind themselves to execute, to the utmost of their power, all resolutions which the said congress may pass. And further, if the said congress shall think necessary to adjourn, to authorize our said delegates to represent and act for this province, in

any one congress to be held by virtue of such adjournment.

Resolved unanimously, that it is recommended to the several colonies and provinces, to enter into such or the like resolutions, for mutual defence and protection, as are entered into by this province.

As our opposition to the settled plan of the British administration to enslave America, will be strengthened by an union of all ranks of men in this province, we do most earnestly recommend, that all former differences about religion or politics, and all private animosities and quarrels of every kind, from henceforth cease and be for ever buried in oblivion; and we intreat, we conjure every man, by his duty to God, his country, and his posterity, cordially to unite in defence of our common rights and liberties.

Ordered, That copies of these resolutions be transmitted by the committee of correspondence for this province, to the committees of correspondence for the several colonies, and be also published in the Maryland Gazette.

By order,

JOHN DUCKETT, clerk.

For the LONDON MAGAZINE.

Continuation of Characters drawn by Mr. E. BURKE.

L O R D C H A T H A M.

Great and celebrated name; a name that keeps the name of country respectable in every part on the globe. It may be truly

*Clarum et venerabile nomen*

*antibus, et multum nostræ quod proderat urbi.*

the venerable age of this great man, his merited rank, his superior talents, his splendid qualities, his great services, the vast space he fills in the eye of mankind; and, more than all the rest, his fall from power, like death, canonizes and fixes a great character, will not permit me to censure any part of his conduct. I am afraid to flatter him; I am not disposed to blame him. Let those who have betrayed

him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time, to be governed too much by general maxims. I speak with the freedom of history, and I hope without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself; and for that reason, among others, perhaps fatal to his country; measures, the effects of which, I am afraid, are for ever incurable. He made an administration, so checkered and speckled; he put together a piece of joinery, so crossly indented and

whim-



whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified mosaic; such a tessellated pavement without cement; here a bit of black stone, and there a bit of white; patriots and courtiers, kings friends and republicans; whigs and tories; treacherous friends and open enemies; that it was indeed a very curious show; but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask, "Sir, your name?—Sir, you have the advantage of me—Mr. such a one—I beg a thousand pardons.—" I venture to say, it did so happen, that persons had a single office divided between them, who had never spoke to each other in their lives; until they found themselves; they knew not how, pigging together, heads and points, in the same truckle-bed \*.

Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such, that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from public cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole system was on a wide sea, without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted to seem, as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him, which was justified even in its extravagance by his superior abilities, had never, in any instance, presumed upon any opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel were the most di-

rectly opposite to his opinions, measures, and character, and far the most artful and most powerful of the few they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends; and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him, even long before the close of the first session of his administration, when everything was publicly transacted, and with great parade in his name, they made an act, declaring it highly just and expedient to raise a revenue in America. For even then, Sir, even before this splendid orb was entirely set, and while the Western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and for his hour became lord of the ascendant.

This light too is passed and set forever. You understand, to be sure that I speak of

#### CHARLES TOWNSHEND,

**O**FFICIALLY the re-producer of this fatal scheme; whom I can not even now remember without some degree of sensibility. In truth, he was the delight and ornament of the House, and the charm of every private society which he honoured with his presence. Perhaps there never was in this country, nor in any country, a man of a more pointed and finished wit; and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock, some who flourished formerly, whose knowledge long treasured up, knew better by far, than any man ever was acquainted with, how to bring together within a short time all that was necessary to establish, illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most minute explanation, and display of subject. His style of argument was neither trite and vulgar, nor so

\* Supposed to allude to the Right Hon. Lord North, and George Cook, Esq. who were made joint pay-masters in the summer of 1766, on the removal of the Rockingham administration.



abuse. He hit the House just  
between wind and water.—And not  
troubled with too anxious a zeal  
any matter in question, he was  
more tedious, or more earnest,  
the pre-conceived opinions, and  
temper of his hearers required;  
whom he was always in perfect  
union. He conformed exactly to the  
majority of the House; and he seemed  
to follow it, because he was always sure  
to follow it.

beg pardon, Sir, if when I speak  
of this and of other great men, I ap-  
pear to digress in saying something of  
their characters. In this eventful his-  
tory of the revolutions of America,  
the characters of such men are of much  
importance. Great men are the  
land-marks and the posts in the  
history of the nation. The credit of such men at  
home, or in the nation, is the sole  
basis of all the public measures. It  
would be an invidious thing (most  
certainly I trust to what you think my  
position) to remark the errors into  
which the authority of great names  
brought the nation, without do-  
ing justice at the same time to the  
great qualities whence that authority  
came. The subject is instructive to  
all who wish to form themselves on  
whatever of excellence has gone be-  
fore them. There are many young  
members in the House (such of late has  
been the rapid succession of publick  
men) who never saw that prodigy  
Charles Townshend; nor of course  
what a ferment he was able to  
raise in every thing by the violent  
collision of his mixed virtues and  
failings. For failings he had un-  
doubtedly—many of us remember  
them; we are this day considering  
the effect of them. But he had no  
failings which were not owing to a  
laudable cause; to an ardent, generous,  
perhaps an immoderate passion for  
liberty; a passion which is the instinct of  
great souls. He worshipped that  
deity wheresoever she appeared;  
he paid his particular devotions to  
her in her favourite habitation, in her  
temple, the House of Com-  
mons. Besides the characters of the  
individuals that compose our body, it  
is impossible, Mr. Speaker, not to ob-  
serve, that this House has a collective  
character of its own. That character,  
however imperfect, is not unami-

able. Like all great public collections  
of men, you possess a marked love of  
virtue, and an abhorrence of vice.  
But among vices, there is none which  
the House abhors in the same degree  
with *obstinacy*. Obstinacy, Sir, is cer-  
tainly a great vice; and in the change-  
ful state of political affairs it is fre-  
quently the cause of great mischief.  
It happens, however, very unfortu-  
nately, that almost the whole line of  
great and masculine virtues, constan-  
cy, gravity, magnanimity, fortitude,  
fidelity, and firmness, are closely al-  
lied to this disagreeable quality, of  
which you have so just an abhorrence;  
and in their excess, all these virtues  
very easily fall into it. He, who paid  
such a punctilious attention to all your  
feelings, certainly took care not to  
shock them by that vice which is the  
most disgusting to you.

That fear of displeasing those who  
ought most to be pleased, betrayed  
him sometimes into the other extreme.  
He had voted, and in the year 1766,  
had been an advocate for the Stamp  
Act. Things and the disposition of  
mens minds were changed. In short,  
the Stamp Act began to be no favou-  
rite in this House. He therefore at-  
tended at the private meeting, in  
which the resolutions moved by a  
right honourable gentleman, were set-  
tled; resolutions leading to the repeal.  
The next day he voted for that repeal;  
and he would have spoken for it too,  
if an illness, (not as was then given  
out a political) but to my know-  
ledge, a very real illness, had not  
prevented it.

The very next session, as the fashion  
of this world passeth away, the repeal  
began to be in as bad an odour in this  
House as the Stamp Act had been in  
the session before. To conform to the  
temper which began to prevail, and to  
prevail mostly amongst those most in  
power, he declared very early in the  
winter, that a revenue must be had out  
of America. Instantly he was tied  
down to his engagements by some,  
who had no objection to such experi-  
ments, when made at the cost of per-  
sons for whom they had no particular  
regard. The whole body of cour-  
tiers drove him onward. They always  
talked as if the king stood in a sort of  
humiliated state, until something of  
the kind should be done.

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Here this extraordinary man, then chancellor of the Exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However he attempted it. To render the tax palatable to the partisans of American revenue, he made a preamble, stating the necessity of such a revenue. To close with the American distinction, this revenue was an *external* or port-duty; but again, to soften it to the other party, it was a duty of *supply*. To gratify the *colonists*, it was laid on British manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and (except that on tea, which touched only the devoted East India company) on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea was reduced from a shilling to three-pence. But to secure the favour of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the colonies. What need I say more? This fine-spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the House. He never thought, did, or said any thing but with a view to you. He every day adapted himself to your disposition: and adjusted himself before it, as at a looking-glass.

He had observed (indeed it could not escape him) that several persons, infinitely his inferiors in all respects, had formerly rendered themselves considerable in this House by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles; from any order or system in their politics; or from any sequel or connection in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them; each party gaped, and

looked alternately for their vote, most to the end of their speech. While the House hung in this uncertainty, now the *bear-bims* rose from this side—now they re-bellowed from the other; and that party to whom they fell at length from their tremulous and dancing balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one, whom a single whiff of incense withheld gave much greater pain, than received delight in the clouds of which daily rose about him from prodigal superstition of innumerable admirers. He was a candidate of contradictory honours; and his grand aim was to make those agree in admiration of him who never agreed in anything else.

Hence arose this unfortunate subject of this day's debate; from a disposition, which, after making American revenue to please one, peeled it to please others, and aggravated it in hopes of pleasing a third, and of catching something in the id of all.

#### LORD CARMARTHEN.

A Noble Lord, Lord Carmarthen who spoke some time ago, is of the fire of ingenuous youth; when he has modelled the ideas of lively imagination by further experience, he will be an ornament to country in either House. He has felt that the Americans are our children and how can they revolt against the parent? He says, that if they are free in their present state, England is not free; because Manchester, and other considerable places, are represented. So then, because so many towns in England are not represented, America is to have no representation at all. They are our children; when children ask for bread, we are not to give a stone. Is it because of the natural resistance of things, and various mutations of time, hindering our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? Will this child of ours wishes to assimilate



its parent, and to reflect with a filial resemblance the beauteous maintenance of British liberty; are to turn to them the shameful parts of our constitution? Are we to give our weakness for their strength; our opprobrium for their glory; and slough of slavery, which we are able to work off, to serve them for freedom?

Is this be the case, ask yourselves question, will they be content in a state of slavery? If not, look

to the consequences. Reflect how you are to govern a people, who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America, that after wading up to your eyes in blood you only end just where you began; that is, to tax where no revenue is to be found, to—my voice fails me; my inclination indeed carries me no further—all is confusion beyond it.

For the LONDON MAGAZINE.

SPEECH of the LORD MAYOR on the Motion respecting the Middlesex Elections.

MR. SPEAKER,

THE motion, which I shall have the honour of submitting to the House, affects my opinion the very vitals of this constitution, the great primary sources of the power of the people, whom we represent, and by whose authority only, delegated to us for a time, we are a part of the legislative body of the kingdom. The proceedings of the last session in the business of the Middlesex Elections gave a just alarm to almost every man in the nation. The fatal precedent attempted to be established was considered a direct attack on the inalienable rights of the people. The most respectable bodies in the kingdom expressed their abhorrence of the measure. They proceeded so far as to petition the crown for the dissolution of that assembly, as having been guilty of a flagrant breach of their trust. Above 60,000 of our subjects carried their complaints to the throne; a number surely deserving the highest regard from a minister, if his attention had not been engrossed by a small number of the 6000, who return the majority of members to this House. The House, sir, were in a ferment, which has yet subsided. They made my cause their own, for they saw the powers of government used against the constitution, which was defended through my sides, and the envenomed arrows of a wicked administration pointed at the laws and liberties no less than at a hated individual. The plan was carried on for years with a spirit of malevolence and animosity, which would have disgraced the very name, but with a perseverance, which would have done honour to the best, cause. I do not, sir, to go through the variety of persecutions and injuries, which that person suffered, I hope with a becoming fortitude. I have forgiven them. All the great powers of the state at one time appeared combined to their vengeance on me. Even Imperial Russia pointed his thunder-bolts, red with unquenchable wrath, at my devoted head. I was

scorched, but not consumed. The broad shield of the law protected me. A generous public, and my noble friends, the freeholders of Middlesex, the ever steady friends of liberty and their country, poured balm into my wounds. They are healed. Scarcely a scar remains; but I feel, I deeply feel, the wounds given to the constitution. They are still bleeding. This House only can heal them. They only can restore the constitution to its former state of purity, health, and vigour. May I be permitted to point out the mode of the cure, and the salutary methods I think you ought to apply? Before I proceed to the remedy, I shall beg the indulgence of the House to state the case, and I hope they will forgive a dry, but candid narrative of facts, because I mean to argue from them. I will give them as briefly as possible, and with all the impartiality of a by-stander.

Mr. Wilkes was first elected for the county of Middlesex on the 28th of March 1768. He was expelled the 3d of February 1769, and the second time chosen without opposition the 16th day of the same month. On the day following, that election was vacated, and he was declared by a majority of the House incapable of being elected into that parliament. Notwithstanding this resolution of the House, he was a third time on the 16th of March elected without opposition, for I suppose the ridiculous attempt of a Mr. Dingley, who had not a single freeholder to propose or vote for him, can hardly be called an opposition. That election however was declared void the next day. On the 13th of April Mr. Wilkes was a fourth time elected by a majority of 2143 votes against Mr. Luttrell, who had only 296. The same day the House voted, "that Mr. Luttrell ought to have been returned." On the 29th of April a petition was presented to the House from the freeholders of Middlesex by a worthy Baronet, who is not only an honour to this House, but to human nature; notwithstanding which

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\* Sir George Savile.



the House on the 8th of May resolved, "that Henry Lawes Luttrell, esquire, is duly elected a knight of the shire to serve in this present parliament, for the county of Middlesex."

These are the leading facts. I will not trouble the clerk, sir, to read all the resolutions, to which I have alluded. They are most of them fresh in the memories of gentlemen. I only call for that of Feb. 17, 1769, respecting incapacity as the certain consequence of expulsion.

[The clerk read the resolution.]

Now, sir, I think it fair to state to the House the whole of what I intend to move in consequence of the facts I have stated, and the resolution just read. The first motion I intend is, "that the resolution of this House of the 17th of February 1769, that *John Wilkes, esquire, having been, in this session of parliament, expelled this House, was, and is, incapable of being elected a member to serve in this present parliament,*" be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom." This I hold of necessity to restore the constitution, which that resolution tears up by the roots. I shall then, if I succeed, if justice and a reverence for the constitution prevail in this parliament, proceed to the other motion, "that all the declarations, orders, and resolutions of this House, respecting the election of John Wilkes, esquire, for the county of Middlesex as a void election; the due and legal election of Henry Lawes Luttrell, Esquire, into the last parliament, for the County of Middlesex; and the incapacity of John Wilkes, esquire, to be elected a member to serve in the said parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

The words of the resolution of the 17th of February 1769, which I mean particularly to combat, are, "was and is incapable," and the explanation of them the same day in the order for a new writ, "in the room of John Wilkes, esquire, who is *adjudged incapable* of being elected a member to serve in this present parliament." In the first formation of this government, in the original settlement of our constitution, the people expressly reserved to themselves a very considerable part of the legislative power, which they consented to share jointly with a king and House of Lords. From the great population of our island this power could not be exercised personally, and therefore the many were compelled to delegate that power to a few, who thus became their deputies and agents only, their representatives. It follows directly, from the very idea of choice, that such choice must be free and uncontrouled, admitting of no restrictions, but the law of the land, to which king and lords are equally subject, and what must arise from the

nature of the trust. A peer of parliament for instance, cannot be elected a member of the House of Commons, because he already forms a part of another branch of the legislative body. A lunatic has a natural incapacity. Other instances might be mentioned, but those two are sufficient. The freedom of election is then the common right of the people, their fair and just share of power, and I hold it to be the most precious inheritance of every subject of the realm, the noblest, and I trust, the most valuable part of that beautiful fabric, the English constitution. Here I might lean, sir, on the most respectable authorities which can be cited, the supreme judicature of the kingdom, and the venerable judges of former ages as well as of our own times. I met *accidentally this morning in the course of reading, as an old friend of Wilkes and liberty, now, alas! lost to every sense of duty* his country, frequently tells another ally, he *accidentally meets* all the tiresome quotations he makes. The House of Peers, the case of Ashby and White in 1704, determined, "a man has a right to his freehold the common law; and the law having annexed his right of voting to his freehold, of the nature of his freehold, and must depend upon it." On the same occasion likewise they declared, "it is absurd to say, electors right of choosing is founded upon law and custom of parliament. It is an original right, part of the constitution of the kingdom, as much as a parliament is, from whence the persons elected to serve parliament do derive their authority, and have no other but that which is given them by those that have the original right to choose them." The greatest law authorities both antient and modern, agree in opinion that every subject of the realm, not disqualified by law, is eligible of common right. Lord Coke, Lord Chief Justice Holt, Mr. Justice Blackstone, are the only authorities I shall cite. I regard not, sir, the courtly doctrines propagated by lawyers either House of parliament, as to the right of the subject, no more than I do as to what they call *High Treason and Rebellion*. Such doctrines are delivered here only to be reported elsewhere. These men have their reward. But the venal tongue of a profane advocate or judge is best answered by the plain and sober pen of the same man, when in former cool moment, unheated by party or faction, after the fullest deliberation, gave to the nation, to the present age and posterity, a fair and impartial detail of their undoubted rights, and when he laid down in clear and express terms the plain law of the land. Lord Coke says, "he who is eligible of common right, cannot be disqualified by the said ordinance in parliament, unless it had been by act of parliament." Lord Chief Justice Holt declares "the election of knights belongs to the freeholders of counties, and



original right, vested in and inseparable from the freehold, and can no more be separated from their freehold, than their freehold can be taken away." Mr. Justice Blackstone in the first book of his Commentaries has the following words: "Subject to these restrictions and disqualifications every subject of the realm is eligible of common right." This common right of the subject, sir, was violated by the majority of the last House of Commons, and I affirm, that they, and in particular, if I am rightly informed, the noble lord with the blue ribband, committed high treason against Magna Charta. This House only, without the interference of the other parts of the legislature, took upon them to make the law. They adjudged me incapable of being elected a member to serve in that parliament, altho' I was qualified by the law of the land, and the noble lord declared, if any other candidate had only six votes, he would seat him for Middlesex.\* I repeat, sir, this violence was a direct infringement of Magna Charta, high treason against the sacred charter of our liberties. The words, which I allude, ought always to be written in letters of gold. "No freeman shall be deprived of his freehold, or liberties, or free customs, unless by the lawful judgement of his peers, or by the law of the land." By the conduct of that majority and of the noble lord, they assumed to themselves the power of making the law, and at the same moment invaded the rights of the people, the king and the lords. The two last tamely acquiesced in the exercise of a power, which had been a great instance fatal to their predecessors, and put an end to their very existence; but the people, sir, and in particular the spirited freeholders of this county, whose ruling passion is the love of liberty, have not yet forgotten the attack on their right. So dangerous a precedent of violence and injustice, which may in future times be cited by a despotic minister of the crown, ought to be expunged from the Journals of this House.

I have heard and read much of precedents to justify the proceedings of the majority in the last House of Commons. I own, sir, I value very little the doctrine of precedents. There is scarcely any new villainy under the sun. A precedent can never justify any action in itself wicked, a robbery for instance on the heaths of Hounslow or Bagshot, of which there are innumerable precedents. The basest actions may be justified by precedents drawn from bad times and bad men. The sole question is, whether this power is not a direct usurpation on the rights of the people? If that is proved, I care not how long the usurpation has continued, how often justified. It is high time to put an end to it. It was the case of general warrants. One precedent however, the most insisted upon,

I must take notice of, because it is said fully to come up to the point, but in my opinion in almost every part it proves the contrary of what it has been brought to support. I mean the remarkable case of Mr. Walpole in 1711, a period in which the rankest tory principles were countenanced more than in any period of our history prior to 1760. The case has been so partially quoted, even by a person whose sole merit here was an assumed accuracy, which he never possessed, that I shall desire it may be read to the House from our Journals. The date is March 6, 1711.

[The clerk reads, "Resolved, that Robert Walpole, esquire, having been this session of parliament committed a prisoner to the Tower of London, and expelled this House, for an high breach of trust in the execution of his office, and notorious corruption, when Secretary at War, was, and is, incapable of being elected a member to serve in the present parliament."] Now, sir, I must observe, that even that parliament, at an era so hostile to the liberties not only of England, but of Europe, did not venture to *adjudge him incapable* of being elected a member to serve in that parliament only because he was expelled, but in the body of the resolution itself they add another reason, which would be trifling, if one was sufficient, and adequate to the point, *the high breach of trust in the execution of his office, notorious corruption, when Secretary at War.* As trustees for the public, they assigned a cause, which must interest every member of the community. In the case of Mr. Wilkes, the late majority declared, "That John Wilkes, esquire, having been in this session of parliament expelled this House, *was and is* incapable of being elected a member to serve in this present parliament." The *having been expelled*, whether justly or unjustly, is the only reason they gave to the public. I shall not yet, sir, dismiss the case of Mr. Walpole. It will prove another proposition I have maintained, the injustice of the late majority in seating Mr. Luttrell in this House. The fact is, that the House of Commons having expelled Mr. Walpole, ordered a new writ to issue. At the subsequent election Mr. Walpole was again returned. A Mr. Taylor, who had a minority of votes, petitioned, but the election was vacated. Had the doctrine propagated by the late majority, and by the noble lord in the blue ribband, been just, Mr. Taylor ought to have sat, the House should have resolved he *ought* to be have been returned, and the grossest injustice was actually done to him. But even that parliament, whose memory the nation execrates, dared not proceed to such enormous wickedness. It was reserved for the present era, when shame has lost it's blush. Mr. Luttrell was for some years declared to represent the county of Middlesex, although a great

\* This is a mistake. Lord Stanley declared, that his father, the late Lord Strange, not Lord Pembroke, made that declaration.

† Jeremiah Dyson, Esq.



great majority of the freeholders abhorred and reprobated the idea, and on every public occasion declared it.

Sir, when the strong reasons, on which any doctrine is founded, bear me out, I care little about precedents. I recollect, however, another instance, that of Mr. Woollaston, which directly meets an objection, which has been much relied upon, "that expulsion necessarily implies incapacity." It is the last I shall desire the clerk to read. I wish him to turn to the Journals of Feb. 20, 1698. [The clerk reads, "Resolved, that Richard Woollaston, esquire, being a member of the House of Commons, and having since been concerned, and acted, as a receiver of the duties, &c. contrary to the act made in the 5th and 6th of his majesty's reign, &c. *be expelled this House.*"] Now, sir, I defy all the subtlety of the most expert court lawyer among us, all the sophistry of the bar, to reconcile this case with the favourite court tenet, "that expulsion implies incapacity," because the fact is ascertained, that a new writ did issue for the borough of Whitchurch, and that *Mr. Woollaston was re-elected and sat in the same parliament.* Incapacity, therefore, does not necessarily follow *expulsion*.

I am ready to admit, that where a clear legal incapacity exists, all votes given to a person incapacitated are thrown away, if they are knowingly given to him. But, sir, I beg leave to assert that this was not the case in the Middlesex business. Mr. Wilkes was qualified by the law of the land; and the freeholders, who perfectly understood the clear point of law, as well as their own rights, expressly declared in the petition presented on the 29th of April to the House, "Your petitioners beg leave to represent to this honourable House, that the said Henry Lawes Luttrell had not the majority of legal votes at the said election, nor did the majority of the freeholders, when they voted for John Wilkes, esquire, mean thereby to throw away their votes, or to waive their right of representation; nor would they, by any means, have chosen to be represented by the said Henry Lawes Luttrell, esquire. Your petitioners therefore apprehend he cannot sit as the representative of the said county in parliament, without a manifest infringement of the rights and privileges of the freeholders thereof."

This House, sir, is created by the people, as the other is by the king. What right can the majority have to say to any county, city, or borough, you shall not have a particular person your representative, only because he is obnoxious to us, when he is qualified by law? Every county, city or borough has an equal right with all other counties, cities and boroughs, to its particular deputy in the great council of the nation. Each is distinct, free and independent. I do not mean, sir, now to enter into the argument, whether it may not be fit to give this House the power of ex-

pulsion in the first instance for very flagrant and infamous crimes, either committed, or of which the member may be convicted, subsequent to his election. That might seem an appeal to the people, the sending the member back to his constituents. If however they differ in opinion from the House, and re-elect him, he ought to sit, because he claims his seat under the same authority each member holds his, a delegation from the people. The first appeal to the constituents may seem just. The appeal certainly lies to them, and it is by their representation only you are House of Parliament. They have a right of choosing for themselves, not you for them.

Sir, I will venture to assert, that the law of the land, by which all courts of judicature are equally bound, is overturned by the power lately exercised by a majority of the House. The right of election is placed not in you but in other hands, in those of your constituents. Your predecessors not only robbed a particular county of its noblest privilege, but they changed the constitution of a House of Commons. The freeholders of this county, and the nation, abhorred the action, and poured their execrations on the authors. But, sir, if you can expel whom you please and reject those disagreeable to you, the House will be *self-created* and *self-existing*. The original idea of your representing the people will be lost. The consequences of such a principle are to the highest degree alarming. A more forcible engine of despotism cannot be put into the hands of any minister. I wish gentlemen would attend to the plain consequences of such proceedings, and consider how they may be brought home to themselves. A member hated or dreaded by the minister, accused of any crime, for instance, of having written a pretended libel—I mention this instance as the crime least likely to be committed by most of the members of this House. No proof whatever is given on oath before you, because you cannot administer an oath. The minister invades immediately the right of juries. Before any trial he gets the paper voted a libel, and the member he wishes expelled to be the author, which fact you are not competent to try. *Expulsion* means, it is pretended, *incapacity*. The member *adjudged incapable*; he cannot be re-elected and thus is he excluded from parliament. A minister by such manœuvres may garble the House of Commons till not a single enemy of his own, or friend of his country, is left here, and the representation of the people in a great degree lost. Corruption had lent despotism wings to fly so high in the times of Charles I. or the minister of that day would have been contented with expelling Hampden and the four other heroes, because they had immediately been *adjudged incapable* and he thereby *incapacitated* them from throwing in parliament the arbitrary measures of a wicked court.

Upon all these considerations, in order



the minds of the people, to restore our constitution to its original purity, to vindicate the injured rights of this county in particular, and of all the electors of this kingdom, and that not the least trace of the violence and injustice of the last parliament may disgrace our records, I humbly move, "that the resolution of this House of the 17th of February 1769, "that John Wilkes, esquire,

having been in this session of parliament expelled this House, WAS, and is incapable of being elected a member to serve in this present parliament;" be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

[N. B. The other speeches on the occasion, will appear in their order.]

To the EDITOR of the LONDON MAGAZINE.

SIR,

THE Dissenting ministers in the country (at least many of them) are greatly obliged to you, for permitting the account of the measures and conduct of their brethren in London, to appear in your January Magazine. Brethren can they be called? They want nothing but the power to oppress masters and lords. We are obliged to you, because such is the immortality of those venerable divines who constitute the committee for conducting an application to parliament, that they give no information of their design, or proceedings, to those who they apprehend will not tamely acquiesce in all their absurd measures. It is true, they print and circulate letters. But to whom do they send them? To those who they know will say as they tell them; and who, when they tell them that which the committee has determined on, is what they "ought" to submit to, will humbly say, "I agree and will do as you bid me". If perchance they send one of their letters to a protesting minister, it is after their designs have been made public, and their schemes are executed: then they will condescend to mock one or two of them with a letter, printed months before, asking their sentiments and advice. If they had the modest assurance to present their request to parliament, the unanimous desire of the Dissenting ministers in city and country; though at the same time they knew it was refused; and as soon as they found any dissatisfaction with their proceedings, they would inform them of their reasons. They also know that resolutions entirely contrary to their wishes, were twice sent to them, as the result of two meetings of the ministers in the county of Essex on this business. It is highly proper that the members of both houses of parliament should know that the mode of relief which the

London committee seek, will not be agreeable were it obtained—and would be grievous and injurious to many Protestant Dissenting ministers both in city and country. To make this appear, I will transcribe two of the resolutions above alluded to.

"At a meeting of Protestant Dissenting Ministers in the county of Essex, at Chelmsford, Dec. 3, 1772, it was resolved,

"That as Christ is ever to be regarded as the sole head of the Christian church; we are clearly of opinion that no human or religious test whatsoever, enforced by penal laws, ought to be imposed on the ministers of his religion."

At another meeting, May 25, 1773, it was resolved,

"That if, or whenever, any future application should be made to parliament, concerning this important subject, it is our opinion, that it be only for the repeal of the penal laws in force against Protestant Dissenting ministers, tutors, and school-masters, on their offering reasonable security to government for their good behaviour as loyal subjects: that men of all persuasions may enjoy the same liberty which we wish for ourselves."

These resolutions were communicated to the London ministers, to let them know that a toleration clogged with any religious subscription would be grievous to those who signed them, and consequently that they could not join in an application upon the grounds which they proposed—besides this, most if not all of the ministers sent the committee separate letters, signifying their disapprobation of any declaration of a religious kind whatsoever. Nor were these the sentiments of the Essex ministers only. They were the sentiments of many ministers in other counties, as the committee well knew, notwithstanding all their former



mer boasted pretensions to unanimity. Besides there were many who only signified their approbation upon the notion that "*a little was better than nothing*," but who freely owned that they preferred a more extensive plan as more consistent and generous—These gentlemen did not advert, that changing one subscription for another, was in fact gaining nothing, but on the contrary rivetting the fetters faster, and exposing their non-subscribing brethren to greater danger than any now can apprehend. Of the rest, who signified their approbation to the late applications, the committee well know with what pains, by what arts, and by what influence they obtained many names. And I believe it is likewise well known, that numbers were deceived by their imagining the application to have been for the total repeal of penal laws. Whether their own imagination, or the committee, deceived them I need not say.

But if only a few of their brethren would have been injured by their success, should not that have been a sufficient reason for enlarging their plan, so as to include all? especially as it might have been done without any injury to themselves. They could not have any reasonable objection to, and they would not have been injured by, the mode proposed by the Essex ministers, though they and many others would by the London mode. Nor was an application for the repeal of the penal laws less likely to be successful, than the application which was made, notwithstanding all the assertions to the contrary. Some members who opposed the bill, declared that they could not have opposed such a request. And indeed the principal objections of the opponents would have been hereby superseded. It could not then have been said that the Dissenters made any attack on the articles of the established church; because it would have then appeared, that it was *subscription*, not

*articles* which was disapproved of. It could not have been said that the Dissenters were not unanimous; because it cannot be supposed that any Protestant Dissenter could oppose or disapprove of a step so favourable to liberty of conscience, or of principles so fundamental to their dissent. And what British senator could have refused his assent to the repeal of laws so cruel, so unjust, so inconsistent with the principles of the British constitution? Who in either House would have blushed to have said "No" to such a request, had it not been clogged with a circumstance which rendered it so inconsistent with the principles of liberty and Protestantism? So far, sir, was the *declaration* from being serviceable to the cause, that the *declaration itself* was the *weight* which sunk it. The opposers of the bill might easily see that it was not *subscription*, as *subscription*—or *human authority in sacris*, to which they who framed the bill objected; but the articles of the established church, therefore they rejected the bill. Had the committee, like men, like Christians, like consistent Protestants, left out the *declaration*—had they objected only *subscription*, and not changed one *subscription* for another—had they only complained of the severity of the penal laws and asked the repeal of them, they might have obtained their request. But a fatal stupor has seized them, which I fear is incurable. However, I am glad to hear, that ever an application should be again made on the former illiberal, absurd, unjust plan, there are some in the country who will step forth with the CASE of those whom that plan excludes from a legal security, and exposes more to suffer. Sure I am, that numbers in the country will rejoice to sign it, among whom it will be esteemed an honour to enter the name of

Your humble servant

*A Dissenting Minister in the County of Essex*

For the LONDON MAGAZINE.

*An Account of the Cities of OLD SARUM and ALESIA\*.*

(*Embellished with an elegant Engraving.*)

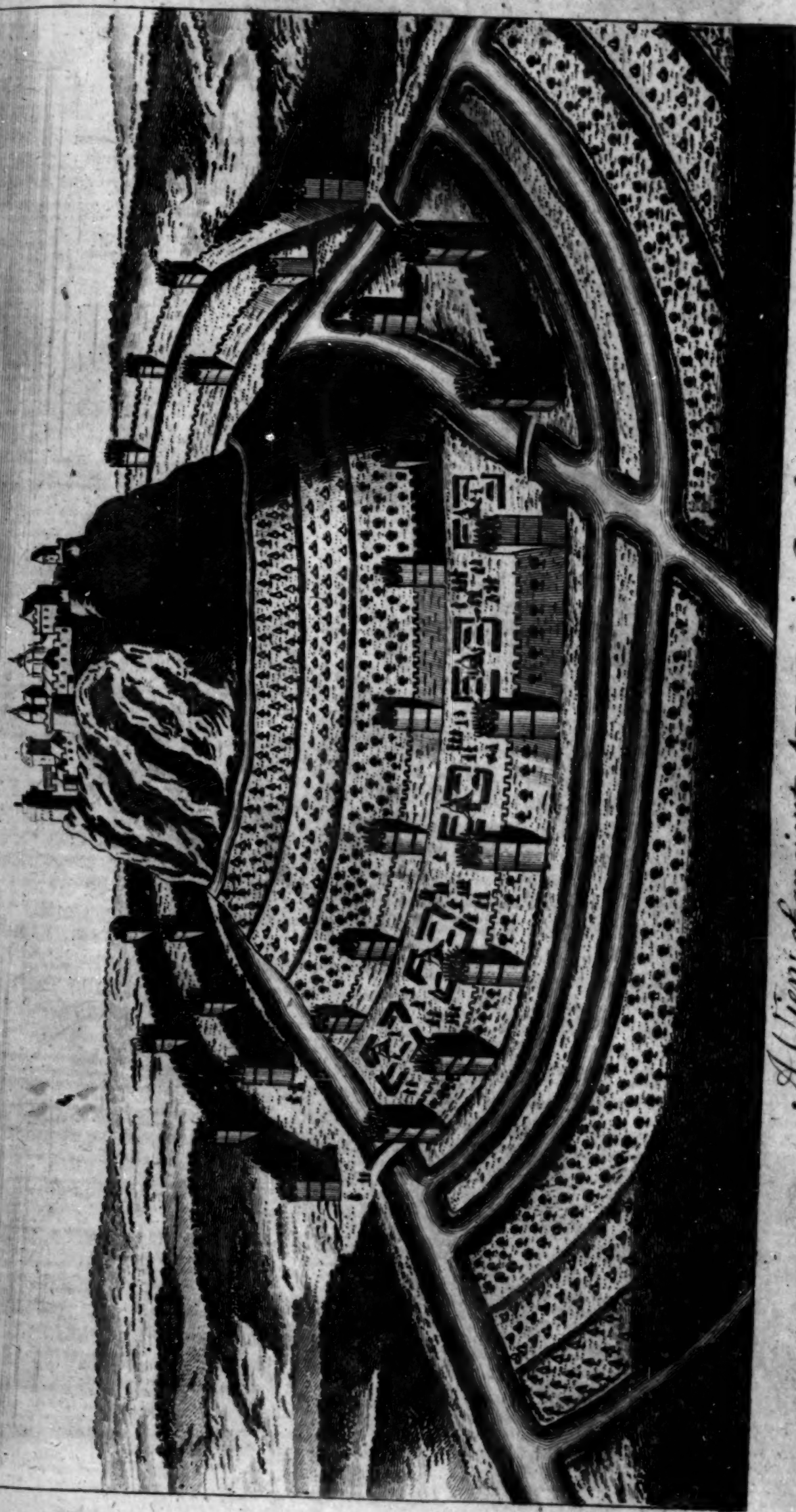
**D**R. Stukely, in his *Itinera curiosa*, gives us the following account of Old Sarum. Sorbiodunum, or Sarum, is perfectly round and for

\* *Extracted from a Description of the Cathedral Church of Salisbury, &c. published.*



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*A View of ancient ALESIA, in Gaul.*







one of the most elegant designs we can imagine, probably a fortress of the old Britons; the prospect of this place is at present very august, and would have afforded us a most noble sight, when in perfection; such a one will not be difficult to conceive when we have described it. It fills up the summit of an high and steep hill, which originally arose equally on all sides to an apex. The whole work is 1600 foot diameter, included in a ditch of prodigious depth; 'tis so contrived that in effect it has two ramparts, the inner and the outer, the ditch between. Upon the inner, which is much the higher, stood a strong wall of 12 foot thick, their usual standard, which afforded a parapet at the top, for the defenders, with battlements quite round. Upon still higher ground, is another deep circular ditch of 500 foot diameter; this is the castle or citadel. Upon the inner rampire of this was likewise another wall, I suppose of like thickness, so that between the inner ditch and the outer wall all around, was the city; this is divided into parts by a meridian line. Both the banks are still left, one to the south the other to the north; and these had walls upon them too. The traces of all the walls are still manifest and some parts of them left. In the middle of each half, towards the east and west, a gate with each a lunet before it, deeply ditched, and two oblique entrances: that to the east is square, to the west round. The hollow where the wall stood is visible quite round, tho' the materials are well nigh carried away to New Sarum. In every quarter were two towers, the foundations plainly appearing. Then with those that were upon the cardinal points, the gates and the median rampart, as it must necessarily be understood, there were 12 in the whole circumference; so that supposing it about 5000 feet in circumference, there was a tower at every 400. Hence we may imagine the nature of the city was circular; a circular street went round in the middle between the inner and the outer fortifications concentric to the whole work, and that cross streets like the fronts of each tower; then there were 12 islets of building, for houses, March 1775.

Diodor. Sic. Biblioth. l. 4. p. 158.

temples, or the like. Now such was the design of this place, that if one half was taken by an enemy, the other would still be defensible; and at last they might retire into the castle. The city is now plowed over, and not one house left. In the angle to the north-west stood the cathedral and episcopal palace; the foundations are at present so conspicuous, that I could easily mark out the ground plot of it. Near it is a large piece of the wall left, made of hewn stone with holes quite through at equal spaces.

In this manner have eminent antiquaries represented the place: to which we shall add, that the property of it, as separated from the title, is at present vested in Thomas Pitt, esq; lord of the manor, and grandson of the governor of that name.

What this city was in the Roman times, the very particular appearance of the spot will enable us to form a rational conjecture. Only suppose the citadel and upper city, upon the summit of this mountain, still standing, and surrounded, as it was, with a strong wall, more than half a mile in circuit: under this the lower city environed by a prodigious rampart and deep ditch; and lowest of all the suburbs very fair and large: the river at a small distance from the foot of it on the western side; with which when their communication should be occasionally cut off, the inhabitants and garrison might be supplied (though with much labour, as from a great depth) with soft water from the wells within their own fortifications;—and a stronger and more defensible place, in those times, can hardly be conceived.

—But perhaps a better idea of it may be obtained by comparing it with the ancient Alesia in Gaul. That city is recorded to have been built by Hercules. He founded Alesia, says Diodorus Siculus, which he so called from his † wandering in quest of warlike enterprizes: which became afterwards the regal city and metropolis of Gaul. It remained free and unconquered from the time of its illustrious founder, till compelled by Cæsar to receive the Roman yoke. It stood in the territories of the Mandubii, now Dufemois. This

T

country

† ἀπὸ τῆς κατὰ τὴν στρατὸν ἀλίσ.



country lies in the diocese of Langre; but has some dependence on that of Autun, according to Sanson. Its conqueror observes \* that it could not be taken without a formal siege; because it stood on the summit of a very lofty hill. Before the town, was a valley extending itself about three miles in length; but every part beside was surrounded by mountains of an equal height, placed at a moderate distance from each other. It commanded a view of all the country round about, and had an high tower on the top of it. But he observes further that the foot of it was watered by two several rivers; whereas our Sorbiodunum has but one close to it, though there be another on the east at no very considerable distance. In all other circumstances these two places were so much alike, that the Gallic Alesia may not improperly be termed the model of the

British Sorbiodunum: the figure of which, as it was invested by Cæsar, we have therefore annexed for the satisfaction of the reader.

*Old Sarum*, as a borough, still continues its ancient privilege of sending two members to parliament, who are chosen by about fourteen electors, of whom the majority of them, upon the spot where the council or town-house originally stood; which spot is marked by two trees growing thereon; for the town is so totally destroyed, that there are not the least vestiges of it remaining; and of the castle, only some small ruins of the once impregnable walls: the fosses round it are still nearly as large as ever, and seem to want but little of their ancient depth: the foundation of the cathedral is partly visible, and enough remains for the whole to be easily traced.

\* *Cæs. Comm. lib. 7.*

For the LONDON MAGAZINE.

*A Short Account of ALEXANDER LOCKHART, Esq.*

*Dean of the Faculty of Advocates in SCOTLAND, promoted to the Bench in 1773 after having been upwards of fifty-two Years in eminence at the Bar.*

ALEXANDER Lockhart, Esq. may be recorded as one of the first barristers, if not the very first that ever appeared in any country. As such he is certainly entitled to a distinguished place in the biographical annals of Great-Britain. The profession of a lawyer has been variously considered by various writers; the wits have discharged their quivers at it, but thus they have proved its power and influence in human society—for wits always fly at greatness. Junius has attacked the lawyers with great poignancy, but notwithstanding the conjectures concerning the real personality of Junius, ample honour has been paid to that profession by Mr. Edmund Burke, in his speech on American taxation. Let a lawyer then receive a tribute of fame in a miscellany which commemorates whatever is great or excellent,

Mr. Lockhart's grandfather, by the father's side, was the celebrated Sir George Lockhart, president of the court of session—his grandfather, by

the mother's side, the Earl of Eglinton—his father was Mr. Lockhart of Carnwath, author of the Memoirs of Scotland. He himself was called to the Scottish bar in the year 1732 with the advantages of good birth, graceful person, and great natural oratory. He had acquired a liberal knowledge of civil law, and by practice in the court of session became master of the municipal law of his own country: with a peculiar keenness of mind, he made the cause of every client his own, and upon every occasion did his cause full justice, and upon some great occasions exhibited all the lustre of eloquence. Educated as a royalist, he was looked upon with an unfavourable eye, while the nation was governed by a kind of *whig* juncture, and he saw his contemporaries, and men much younger than himself, elevated to the seat of justice, while he was left at the bar. But no minority could prevent his receiving the many certain proofs of real merit—clients of all ranks and denominations flock



locked to him, and the learned society of which he was a member, repeatedly placed him by a free annual election in the honourable place of their dean or president.

At last, in the reign of Geo. III. he has been dignified with the gown of a senator of the college of justice, and has taken his place by the title of Lord Covington, accompanied with all the applause that can gratify the mind of man.

The following Latin verses have been written upon the occasion.

*Ad venerabilem admodum et doctissimum virum Alexandrum (Lockbart,) dominum de Covington, carmen inaugurale.*

ÆTETUR aulam quisquis adit! novus

accessit hospes! Pandite, pandite  
Portas triumphales! Senatus

Rite Sophum venerandus ambit,

Oh lux refulgens! Oh decus! Oh bonas  
leges peritus dicere vel dare!

Robur senatus! qui Lycurgum  
Eloquio Ciceronis ornat!

Canamne nostrum te puerilium  
Tutamen annorum? Juvat aggredi  
Lætum senescentis patroni  
Magna rudi cecinisse plectro.

Spondebat olim te fore patria  
Fori togatis ordinibus datum:  
Nec spes fefellit, carpe dignus,  
Carpe sedem meritis paratum.

Tandem annuenti vota damus tibi  
Benigne princeps! tempore quo fovens  
Tutela dignatur forenses  
Justitiæ reparare fontes.

Tandem osculantur more novo invicem  
Scientia et Lex—Oh Caledonia  
In posterum cultam datura  
Progeniem populo Britanno!

Jam jam efficacis colloquii furens,  
Silebit æstus—nam neque te scriba,  
Non rixa, et incessans clientis  
Garrulitas mala quæsta tangent.

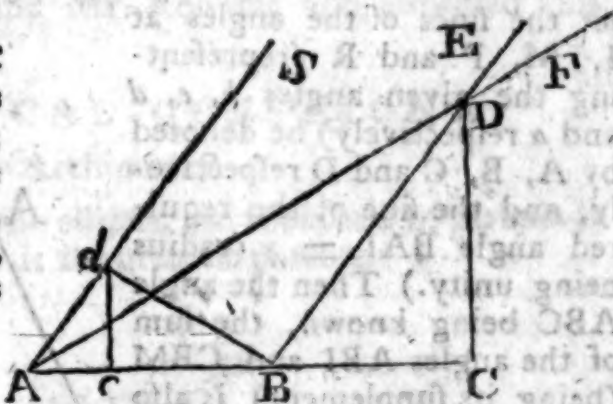
Senis relinquo terribiles greges—  
Cum te vocarint fata, perambulet  
Sublimiori mens volatu  
Æthereos fugitiva tractus.

## MATHEMATICAL CORRESPONDENCE.

Answers to the Mathematical Questions in our Magazine for February.

Answer to QUESTION I. By Mr. John Rivett, of East Dereham, Norfolk, and Gadbury of Covent Garden.

**Construction.** Make the angle CAS = 42 deg. 42 min. the sun's altitude; on AC off AB = 4600 yards, the observer's distance from the shadow of the cloud; draw BE || to AS; make the angle ACB = 30 deg. the altitude of the cloud, and from D where BE and AF intersect, fall the perpendicular DC, which is the height of the cloud required.



**Calculation.** The angle BDC is = to the complement of the sun's altitude: the angle ADB = 20 deg. 42 min. and the side AB = 4600, hence by Plane Trigonometry, as sine ADB : AB :: sine DAB : BD; again as radius 1 : BD :: sine CBD : DC = 5035 yards, the height of the cloud required.

Mr. Gadbury supposes the observer to stand with his back to the sun, and takes the height of the cloud  $bc = 1803$  yards. The hour of the day is obtained, by solving a spherical triangle, having the sides known, one of them being the comp. of the latitude, another the comp. of the sun's declin. and the third the comp. of the sun's altitude, by which the angle at the pole is found 33 deg. 28 min. = 2 hou. 14 min. from noon either before or after.

This question was answered by Mr. Bonnycastle, Mr. Robbins, Mr. Leigh, Mr. Merrit and others.







$\sqrt{1-x^2} - sx$ , and its cosine by  $s \sqrt{1-x^2} + rx$ ; again the sum of the RAD and DCP being given, let its sine and cosine be called  $p$  and  $q$  respectively; whence the sine of DCP  $= ps \sqrt{1-x^2} + prx - qr \sqrt{1-x^2} +$  or, by putting  $ps - qr = l$ , and  $pr + qs = k$ , we shall have  $l \sqrt{1-x^2} +$  the sine of DCP.

$$\begin{cases} A : a :: x : \frac{ax}{A} = BI. \\ B : b :: m \sqrt{1-x^2} - nx : \frac{bm \sqrt{1-x^2} - bnx}{B} = BM. \\ C : c :: l \sqrt{1-x^2} + kx : \frac{cl \sqrt{1-x^2} + ckx}{C} = DP. \\ D : d :: r \sqrt{1-x^2} - sx : \frac{dr \sqrt{1-x^2} - dsx}{D} = DR. \end{cases}$$

Hence (by similar fig.)  $\frac{ax}{A} + \frac{bm \sqrt{1-x^2} - bnx}{B}$  (IM) :  $\frac{d \sqrt{1-x^2} + ckx}{C} + \frac{dr \sqrt{1-x^2} - dsx}{D}$  (RP) ::  $bc : ad$  (::  $f : g$ , supposing  $be = f$ , and  $ad = g$ );

$$\text{Hence } \frac{agx}{A} = \frac{bmg \sqrt{1-x^2} - bngx}{B} = \frac{df \sqrt{1-x^2} + ckfx}{C} + \frac{drf \sqrt{1-x^2} + dsfx}{D};$$

Hence, by substituting  $v$  and  $w$  for the sums of the co-efficients of  $x$  and  $\sqrt{1-x^2}$  respectively, we shall have  $vx = w \sqrt{1-x^2}$ , consequently  $x =$

$$\frac{w}{\sqrt{v^2 + w^2}}.$$

Cor. It is manifest that the trapezium RIMP to be described about the given one ABCD, will admit of different positions with respect to the situation of the given angles at  $a, b, c$ , and  $d$ , in the given sides AB, BC, CD, and AD: but the method of solution will not differ, in any assigned position, from that given above.

N. B. Care must be taken (in solving this question in numbers) of the signs, the cosine of an angle greater than 90 deg. is negative, and must be so throughout the solution.

Mr. Saunderson, Mr. Bonnycastle, and Mr. Robbins also answered this question.

## NEW MATHEMATICAL QUESTIONS.

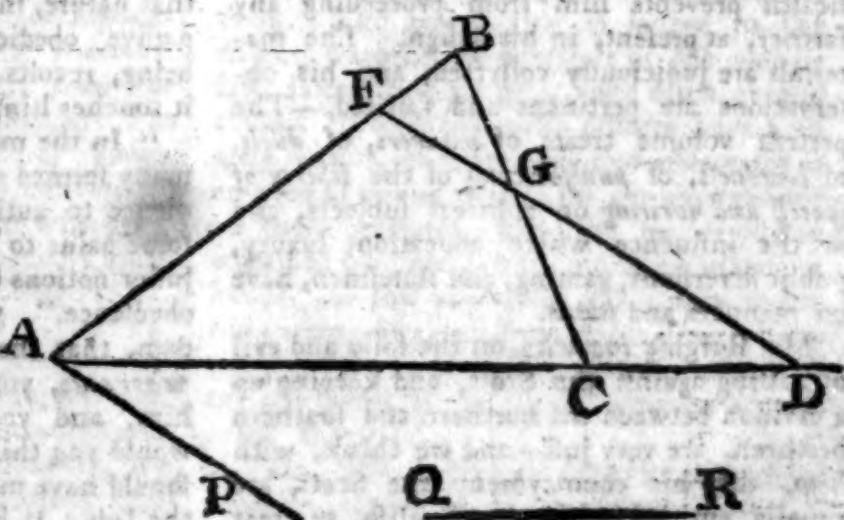
### QUESTION I. By Archimedes.

REQUIRED the segment of a circle, the ellipsis, parabola and hyperbola in which a given parallelogram  $a, b, c, d$ , is the greatest possible.

### QUESTION II. By Mr.

Thomas Moss.

TO draw a line FD from one side AB of the triangle ABC, parallel to AP given by position, intersecting another side BC, and meeting the AC produced; so that the rectangle (FG  $\times$  GD) contained under the parts of AC, shall be of a given magnitude, i. e. equal to the square of QR.



QUESTION



## QUESTION III. By Clitipho.

In reply to my vows, and fond inclinations,  
My Cloe has sent me these \*curfed equations;  
In which  $y$  and  $x$ , as I thence understand,  
Shew the month and the day when she gives  
me her hand.

Now some in such matters their talents display,  
But faith your poor friend is not gifted that  
way:

So beg you'll inform him as soon as you  
When this puzzling fair one will make  
her man.

When jointly they both shall be made  
Without all this head-work, and much  
diverting.

$$\begin{aligned} * x + x^2y + x^3y^2 &= 111756 \\ x^2 + y^2 &= 208 \end{aligned}$$

We have received the following CARD from T. P. of Shoreditch, who begs the favour it may be inserted.

"THE gentleman who answered the 2d question in your last Magazine, relating to the effect of the earth's spheriodical figure in parallax, &c. would much oblige a few young mathematicians, if he would review his work, and explain how the *declination of the moon* is considered in affection to the horizontal parallax: for Monsieur Maupertuis, in his investigation of the correction of the lunar horizontal parallax, makes it very clearly appear, that the differential angle between the place on a sphere and spheroid, is variable according to four quantities, diameter of the earth, latitude of the place, decli-

nation of the moon, and difference between the sphere and spheroid, which in our case will be constant, as will the diameter of earth, but the other two, the latitude of place and moon's declination, will also be variable: therefore on the presumption that the moon's declination does not enter into the answer now referred to, it is left to that gentleman to explain it: and indeed Maupertuis makes an example like the following \* come out 56 min. 30 sec. 55 th. when, by the general theorem drawn from the question adverted to, it appears to be min. 39 sec. 55 th.

\* Example. In lat. 51 deg. 30 min. horiz. par. 56 min. 50 sec. moon's decl. 15 deg. min. required the corrected horizontal parallax,

## An Impartial Review of New Publications.

## ARTICLE I.

*POLITICAL Disquisitions: or, an Enquiry into public Errors, Defects, and Abuses: Illustrated by, and established upon Facts and Remarks, extracted from a Variety of Authors, ancient and modern, &c. vol. 3. By J. Burgh, Author of the Dignity of Human Nature, &c. 6s. Dilly.*

The importance of the present work hath been sufficiently pointed out by us in our review of the two former volumes. The contents are very interesting to the public, and we are sorry that the author's ill state of health prevents him from proceeding any farther, at present, in his design. The materials are judiciously collected, and his observations are pertinent and spirited.—The present volume treats of manners, of duels, of lewdness, of punishments, of the liberty of speech and writing on political subjects, and of the influence which education, luxury, public diversions, gaming, and statesmen, have on manners and states.

Mr. Burgh's remarks on the folly and evil of railing against the Scots, and keeping up a division between the northern and southern brethren, are very just—and we think, with him, that his countrymen, the Scots, are equally entitled with the English, to great offices and places in the state. But we also

think that the English should be promoted to some of the great offices and places in Scotland—therefore we wish our author had exhorted his northern brethren to drop their partiality and resentment, when an Englishman is appointed among them, and let him live easy and happy in his place. This would be the most effectual step towards rectifying the narrowness of the English to their brethren on the other side of the Tweed.

The following anecdote was told our author by one who knew the parties concerned, which we give to our readers as it is of that nature, in the most zealous trumpet of passive obedience, and in every human being, revolts against arbitrary power, when it touches himself.—

"In the mad times of Sacheverel, many seemed willing to go all lengths in obedience to authority, a man of sense and some pains to give a lady, a friend of juster notions than she had of the limits of obedience." "Suppose," says he, "I am a dam, that the king should seize, by a warrant, your husband's estate, and your children, and yourself, and children begotten, would you think resist unlawful?" "The lady; "but" (raising her pretty eyes to heaven) "we must not resist the Lord."



"But, Madam, I will put a case still. Suppose the king should take your ladyship into his bed, don't you think your husband might lawfully promote a bill for extirpating such a brutish association?" The lady, with down-cast eyes, a countenance covered with a rosy blush, answered, "the case you now put, Sir, is undoubtedly harder than the former. But, the whole sin should be the king's, and we are answerable to God only, I do not think my husband could lawfully do any thing toward vindicating his honour by violence." The gentleman knowing that the lady was, as all the votaries of passive obedience, staunch for the church, and that, if a lady can be bitter, against the king, resolved to put to her one question more, which he did as follows: "Give leave, Madam," says he, "to ask you more; suppose the king should order your ladyship to go to meeting?" "What," she, rising in a lovely passion, which animated every feature, with eyes sparkling, and bosom heaving) "me to attend schismatical presbyterian meeting! I will kill him" (says she, clenching her lit- tle, soft hand, which made the gentle- man hope he should have the pleasure of a box ear, of which however he was disap- pointed) "if I were to die for it, sooner would I should make me enter the door of a schismatical meeting."

A weak delicate woman could be thus in defence of what she called religious liberty, surely a man ought to suffer emascu- lation as soon as to yield himself a voluntary

*The History of Great Britain, from the Revolution to the Accession of the House of Hanover. By James Macpherson, 2 vols. 1s. 6d. Cadell.*

Macpherson is a good second to Sir John Dalrymple, against the friends of the revolution. What little new matter there is, is very wonderful! Of which we shall in a future number present our readers with an extract.

*Original Papers: containing the Secret History of Great-Britain, from the Restoration to the Accession of the House of Hanover. Which are prefixed, Extracts from the History of James II. as written by himself. The whole arranged and published by James Macpherson, Esq; 2 vols. 21. 2s. Cadell.*

Original papers are to be read with great interest, and allowances—but especially those which are found in the Scotch College at St. James, and penned by James II. and his friends. At the papists and jacobites are liberal in opening their cabinets and houses to decry the revolutionists and friends of the house of Hanover, we are true whigs among our nobility will communicate their ancestors' papers to the public, the passions, prejudices and interests

of their opponents, and expose them to the public in their proper colours.

IV. *Taxation no Tyranny; an Answer to the Resolutions and Address of the American Congress, 1s. 6d. Cadell*

An abortion of corruption, impregnated by Jacobitism.—Administration seem to have no compassion on their pensioner Dr. Johnson. This is another hasty production of his in their favour, and possibly may procure another addition to his pension.—To speak in his own way, a head fully impregnated with corruption, is certainly very unfit either to address the public on politics, or answer the American resolutions. Our author seems to have forgotten all his former publications in favour of liberty, and against a corrupt ministry and a corrupt parliament; he now seriously tells us, "that the interest, or corruption of particular men in parliament, can seldom operate with much injury to the public." According to him, the legislature of the American colony is no other than the vestry of a large parish, and may be made or unmade, and the people taxed or spared, as rulers think proper.

V. *An Humble Address to the King, concerning the Dearthness of Provisions, and Emigration: The Causes and evil Consequences thereof, and some Proposals to remedy the same. 1s. Wilkie.*

A sensible, public-spirited address.—In which the several causes of the dearthness of provisions are enumerated; the principal of which is luxury, and which is a national grievance. The writer recommends that pleasures, and the means of luxury be immediately taxed, particularly race-horses, hunters, livery servants, &c. Mealmen, he thinks, ought to be set aside—and no millers suffered to be cornfactors—nor butchers to be graziers, or keep more land in their possession than what the law allows.

VI. *Observations on the present State of the Poor, and on Houses of Industry. By the Rev. Mr. Potter, 1s. 6d. Wilkie.*

The several laws respecting the poor, from Alfred, to the present time, are here recapitulated, with some judicious remarks on them. The power that is lodged in the church wardens and overseers of the poor by law, is certainly too great, and often greatly abused. Too many parish officers have been petty tyrants, and the reverend observator is entitled to public thanks for his observations on their practices, and the misery of the wretched who are forced into their merciless hands. In the year 1680 our annual poor rates were 1,665,392. In 1764—2,200,000. In 1773—3,000,000, which according to the land tax assessment is 6s. in the pound. O tempora! O mores!

VII. *The present Crisis, with respect to America, considered, 1s. Becket.*

This Crisis writer would have admirably suited the days of Charles the 1st. He tells us,



us, "A supreme sovereign power traced to its original, will be found *monarchal*"—And "if the Commons were to refuse grants and taxes, the Crown would be justified by law and equity in raising them. The state is not to be sacrificed to the capriciousness of a majority of men, who may be blinded by prejudice, and actuated by revenge." Our readers will not wonder to find this writer charging the Americans with sedition, and the New Englanders in particular with fanaticism and treason—and asserting that the Quebec act, against which they complain, "doth not in the least interfere with them." The fate it met with, burnt by the hangman, by order of the two houses of parliament, was rather too honourable.

VIII. *A Letter to the Right Hon. Lord M——d on the Affairs of America, from a Member of Parliament*, 1s. Almon.

A cool dispassionate letter, intreating his lordship (whose advice, it is said in the public opinion, has so fatally influenced the late measures of administration) to re-consider the important question concerning America, and step forward to deliver every part of the British empire from which it is threatened, by promoting a general amnesty, granting bounties on every staple commodity, and renouncing the idea of taxation.

IX. *Some Candid Suggestions towards Accommodation of Differences with America; offered to the Consideration of the Public*, 6d. Cadell.

The contents strictly correspond with the title, but the style is very bad.

X. *Conciliatory Address to the People of Great Britain and of the Colonies on the present important Crisis*.

Sensible and candid.

XI. *Common Sense, in Nine Conferences, between a British Merchant, and a candid Merchant of America, in their private Capacities as Friends*, 2s. Doddsley.

Both the merchants talk as having no sense at all. Few Americans will be silenced, much less converted, by the arguments in these conferences—If they are, they must be

made of strange kind of stuff, like the American merchant our author has placed before us.

XII. *A Letter to the People of Great Britain, in Answer to that published by the American Congress*, 1s. Newbery.

A letter that will be read by very few those to whom it is addressed.

## PUBLICATIONS THIS MONTH

Besides those that have been reviewed.

### AMERICAN AFFAIRS.

A Letter to those Ladies whose Husbands possess a Seat in either House of Parliament. 6d. Almon.

### MISCELLANEOUS.

A Gentleman's Tour through Monmouthshire and Wales, in the Months of June and July, 1774. 2s. 6d. Evans.

A New System for the Establishment of Pay, Cloathing, Provisions, &c. of the Army. By an Officer. 1s. Almon.

### NOVEL.

The Correspondents, an original Novel, Series of Letters. 3s. Becket.

### POETICAL.

The Advertiser. A Poem. 1s. Bew.

A Poetical Address to the Ladies of Bath. 1s. Evans.

An Elegy; written at a Carthusian Monastery in the Austrian Netherlands. Folingsby.

### RELIGIOUS.

A Dissertation by Way of Inquiry, into the true Import and Application of the Vision related in Dan. ix. Ver. 20. to the usually called Daniel's Prophecy of Seven Weeks. By Benjamin Blayney, B. D. 2s. Rivington.

### SERMON.

A Sermon, preached before the Lords Spiritual and Temporal, in the Abbey-Church of Westminster, on Monday, Jan. 30. 1775. By Brownlow, Lord Bishop of Worcester. 1s. Robson.

## For the LONDON MAGAZINE.

IN your useful draught of the Thames, in the London Magazine for January, the name of that river is said to be called at its source near Cirencester the Isis. I have been on the spot whence the springs arise, which is about three miles from the above

place, on the road to Tedbury; assure you the people of Cirencester and the parts adjacent, call it *Thames Head*, and not the *Isis*, though this name is used in some parts of Wiltshire. I speak from my own knowledge.



# POETICAL ESSAYS.

## TIT for TAT, a Tale.

AYS Allen to his wife, before we part,  
I have some serious matter much at  
heart;  
When I was young I was prodigious wild,  
All in love, and got a maid with child;  
She is handsome, though she's rather  
brown: [own!  
Take her home, and rear her as your  
daughter; indeed you'd her example be,  
For sure you'll love her for she's much like  
me!  
Well my dear, and you confess in time,  
I had to find by you—that it's no crime:  
I had a boy before I married you,  
And before together let us wed the two.

## For the LONDON MAGAZINE.

Dr. ROSE, of Putney, to whom Mr. By-  
field left a large Fortune.

THE damask rose—now blossom and per-  
fume,  
Scatter roses round thy Byfield's tomb.

T.

## For the LONDON MAGAZINE.

### SONNET.

WHAT will these tumults in my  
breast  
Breathe a love I can't dispense?  
Dame reason must retreat;  
It is a ruling fate,  
No joy while fancy's on the wing,  
No flourish only like the genial spring:  
Truth be still beneath the skies,  
Or soft consenting passions move,  
No kens confession by the eyes,  
And wish for mutual love;  
To be blest'd with every tender care;  
First affection you alone shall share:  
Many age remembrance shall not cease;  
But must confess 'tis youth that  
please.

T. P.

## For the LONDON MAGAZINE.

Following SONG on SINCERITY may  
pleasure some of your Musical Readers with  
words that want something new to set.

### SINCERITY.

ATTEND thou power of soft repose,  
Relieve my partial pains,  
Be soother of relentless woes,  
Sorrow where thou reigns.

1775.

Imagination tells my mind,  
On men we can't rely,  
All transient promises we find,  
From their Sincerity.

Go teach the youthful tender maid,  
The ills that wait their race;  
To know the wiles they should evade,  
If beauty lends a face.

The tongue, tho' commerce of the heart,  
Must be disguis'd, tho' free,  
Then adulation, try your art,  
Avert Sincerity.

Steel, steel each breast against the wile,  
The tyrant sex pursue;  
Know each enchanting soothing smile,  
Is meant but to undo.

E'en past'ral lads can act the rake,  
Delusion now they try,  
Obtain our promise, then forsake  
By fair Sincerity.

The hour is past, oh! thou unkind!  
Fidelity shall shun,  
Such sorrow sad'ning scene as mine,  
My Hopes are all undone:

But sure that form in distant glade,  
Is Strephon's I descry;  
It is! it is! no fears invade,  
There is Sincerity.

## For the LONDON MAGAZINE.

### A Query to a DULL AUTHOR. An Epigram.

IF Tom should publish what he writes,  
I hope 'tis not decreed,  
That we, who kindly buy his works,  
Shall be obliged to read!

N.

### EPILOGUE

#### To the RIVAL CANDIDATES.

Written by the AUTHOR. Spoken by Mr.  
WESTON.

(Entering with a large Dog.)

O H! lud! what authors have we now a-  
days!  
A farmer this!—Ecce or what you please;  
He swears (tho' we've but just got through one  
sweat-o)  
He'll make us speak an Epilogue duetto.—  
What say you, dragon?—Why's your tail so  
low? [know—  
Be not chop-fallen—they can't damn you, you  
U What



What! dumb my comrade?—Terrible disaster!

So I must puff for you, and for your master.  
Ye Gods be kind!—no cat-call interference;  
Believe Tom Weston, 'tis his first appearance.

You wou'd not think it, but the rogue's so steady,  
He's in the privy-council here, already;  
The *prompter* gives him merit universal,  
Because—[*whistling*] his whistle calls him to rehearsal;  
Besides, he imitates no tragic brother,—  
Who makes him pull down one bill—post another.

Tho' he's not sleek—and has an hungry eye,  
(A poet's dog is never fed too high)  
Yet he is sound, Sirs, and in good condition;

He has no whimsies—no indisposition:  
Whene'er in letters large the bills he graces,  
You're sure of seeing *him*—if you have places;

He'll top the tree, if to his text he sticks:  
A dog of parts—and has no puppy tricks!—  
Odzooks! I've lost his business in his praise:

Oh! here he's sent to guard his master's  
A *dragon* once, they say, kept watch and ward,

Some curious golden fruit from thieves to  
So to protect the poet's fruit from riot,  
Secure from guineas, and a better diet,  
Has sent this *dragon*, critics!—so be quiet;  
Sharp then's the word, my slender-waisted cousins,

He'll swallow macaronies by the dozens!  
Growling and snarling—don't let this dog catch ye,

At all your tearing work he'll overmatch ye.  
If by ill-humours you our bard will puzzle,  
I've nothing else to do—but slip the muzzle.  
Tho' you're so high, (*to the galleries*) you too he soon wou'd tame:

*Dragon* has wings, if I but shew him game.

But shou'd his master's sing-song melt your soul,

He'll be as soft as—Signor Rossignol:  
Will, with harmonious howlings, swell each note,

And bark sweet music—“*only from his throat.*”

### PROLOGUE

To the new Tragedy of BRAGANZA.

Spoken by Mr. PALMER.

WHILE in these days of sentiment and grace,

Poor Comedy in tears resigns her place,  
And smit with novels, full of maxims crude,  
She, that was frolick once, now turns a prude;

To her great end the Tragic Muse aspires,  
At Athens born, and faithful to her fires.

The comic sister in hysteric fit,  
You'd swear, has lost all memory of wit.  
Folly, for her, may now exult on high;  
Feather'd by ridicule no arrows fly;  
But if you are distress'd, she's sure to cry.  
She that could jig, and nick-name all her v'n's creatures,

With sorrows not her own deforms her face  
With stale reflections keeps a constant potter  
Greece gave her one face, and she makes another;

So very pious, and so full of woe,  
You well may bid her “to a nunnery go.”  
Not so Melpomene; to nature true  
She holds her own great principle in view.  
She, from the first, when men her power confess,

When grief and terror seiz'd the tortur'd breast  
She made, to strike her moral to the mind,  
The stage the great tribunal of mankind.

Hither the worthies of each clime draw,

Who founded states, or rescued dying laws  
Who, in base times, a life of glory led,  
And for their country who have toil'd or bled  
Hither they come; again they breathe, they live,

And virtue's meed through ev'ry age receives  
Hither the murd'rer comes, with ghastly mien!

And the fiend conscience hunts him o'er the scene  
None are exempted; all must re-appear,  
And even kings attend for judgment here;  
Here find the day, when they their power abuse,

Is a scene furnish'd to the Tragic Muse.  
Such is her art, weaken'd perhaps at length  
And, while she aims at beauty, loses strength.

Oh! when, resuming all her native rage,  
Shall her true energy alarm the stage?

This night a bard (our hopes may rise high,

'Tis yours to judge;—'tis yours the cause to try  
This night a bard, as yet unknown to fame  
Once more, we hope, will rouse the general flame.

His no French play;—same, polish'd, dull  
Vigorous he comes, and warm from Shakespeare's school.

Inspir'd by him, he shews in glaring light  
A nation struggling with tyrannic might;  
Oppression rushing on with giant strides;  
A deep conspiracy, which virtue guides;  
Heroes, for freedom who dare strike the blow  
A tablature of honour, guilt and woe.  
If on his canvass nature's colours shine,  
You'll praise the hand that trac'd the just sign.

### EPILOGUE

Spoken by Mrs. YATES.

IS it permitted in this age severe,  
For female softness to demand a tear  
Is it allow'd in such censorious days,  
For female virtue to solicit praise?



manly sense, beneath a tender form,  
 To dictate, and aspire to warm?  
 May so unnatural a being venture  
 As a true heroine on the stage to enter?  
 Says a wit, made up of French grimaces,  
 Self-ordain'd the high-priest of the Graces;  
 Women are play-things for our idle hours,  
 The souls unfinish'd, and confin'd their  
 pow'rs;  
 Aquacious, vain, by slight attentions won,  
 Flattery gain'd, and by untruths undone.  
 Should some grave great plan engage their  
 minds,

The first caprice can give it to the winds;  
 And the chief stateswoman of all the sex  
 Grows nervous, if a sop or pimple vex.  
 Injurious slanders!—in Louisa's air  
 Behold th' exemplar of a perfect fair;  
 Modest, tho' aspiring; merciful, tho' brave;  
 Sincere, tho' politic; and tho' fond, no slave;  
 In danger calm, and smiling in success,  
 As securing ampler means to bless.  
 Nor think, as Zeuxis, for a faultless piece,  
 Had various charms from various nymphs  
 of Greece,  
 Her bard has center'd in one beauteous whole,  
 He rays that gleam thro' many a separate soul.  
 In Britain's and Ierne's shores he saw  
 The models of the fair he dar'd to draw;  
 True virtue in these isles has fix'd her throne,  
 And many a bright Louisa is our own.

## P R O L O G U E

of the new Tragedy of CLEONICE.

Written by THOMAS VAUGHAN, Esq.

Spoken by Mr. BENSLEY.

TELL me ye Gods, ye arbiters of wit,  
 Who rule the heavens, or who lead  
 the pit, [*addressing the gallery and pit.*  
 Whence comes it in an age refin'd by taste,  
 Science polish'd, and by judgement chaste,  
 We see the muse, in dignity sublime,  
 Led on by prologue, apeing pantomime?  
 Whose sportive fancy, and whose comic skill,  
 All most applaud—where Roscius guides the  
 quill.  
 When Melpomene in grief appears,  
 Her suffering virtue bath'd in sorrow's tears,  
 From tyrant laws, or jealous love oppress'd,  
 Swelling with silence in her tortur'd breast;  
 How can the heart her genial impulse shew,  
 As she feels, or weep another's woe;  
 When gay Thalia has so late possess'd  
 The laughing transports of the human breast?  
 Let each her province keep, let jocund  
 Epilogue alone give happy birth; [mirth,  
 The struck soul from every anxious fear,  
 And wipe from beauty's cheek the silent tear.  
 Twice Metastasio's wings have borne our  
 Bays,  
 And safely brought him o'er the critic seas;  
 And with success, he dares this awful night,  
 Cheer'd by your smiles, to take a bolder  
 flight;

Nor longer stoop beneath a foreign shade,  
 Like Dian shining from a borrow'd aid;  
 But comes impregnate with Icarian pride,  
 To stretch his pinions, and forsake his guide;  
 Yet doubtful flies, lest vapours damp his  
 force, [course.  
 And one black cloud should stop his airy  
 To awful flights his proud ambition soars,  
 And the dread regions of applause explores;  
 No sun he fears—but courts its warmest ray,  
 'Tis yours to raise—or sink him in the sea.  
 Let candour then proceed to try the cause,  
 That Magna Charta of dramatic laws.

## E P I L O G U E.

Spoken by Mrs. BULKLEY.

OUR author, all submission, sends me  
 here,  
 To make excuses for your simple cheer;  
 And I, that have no interest in his scenes,  
 Must bear the train of tragic kings and queens.  
 Shall I support the weakness of his muse?—  
 Egad—if so—I'll fit him with abuse—  
 I'll soon dissect his fine-spun work, and show  
 That all his plot has more of farce than woe.  
 For, after all, the creature's much de-  
 ceiv'd,  
 If e'er he thinks his tale can be believ'd.  
 So tame and so inanimate his maid is—  
 How very diff'rent from our modern ladies!—  
 What, could a blooming lass with ripen'd  
 charms,  
 Be held so long from her admirer's arms?—  
 If such were truths in prudish heathen climes,  
 Examples vary in our later times—  
 Then for theatric play—how poor! how cold!  
 A heroine's language should be nobly bold,  
 Out-strip the decency of vulgar life,  
 Mouth at the heavens, and set the gods at  
 strife—  
 Time was indeed, an antiquated bard  
 Paid to a beldame, nature, some regard,  
 And drew his females with such simple fea-  
 tures, [creatures.  
 That all, who saw, believed them human  
 Plain Desdemona bore no trace of art,  
 And Portia play'd a wife's domestic part;  
 While Constance shew'd but what before we  
 knew,  
 And only grieved, as real mothers do—  
 Shall this stale poet give the drama law,  
 Who poorly copied only what he saw?  
 Nay, stole from life, in every clime and age,  
 The characters that fill his boasted page?  
 Well! as I live, 'tis he!—(*looking out*)—  
 O, are you come?  
 Does all go well?—poor devil!—seal his doom.  
 This live-long night he watches every eye,  
 Talks like his heroes, in soliloquy—  
 Then starts aside—what! something goes  
 amiss?  
 “Sure 'tis the distant murmur of a hiss!”—  
 Alas! kind soul!—I pity his condition,  
 And will in his behalf this house petition.—



To you, good folks above, for ever ready  
To serve a friend, all English hearts and  
steady;

To you, ye men of candour, sense, and wit,  
Who fill the circle of this awful pit;

To you, ye ladies, ever prone to spare  
The bard, who love and beauty makes his care  
I here commend him—take him to your  
vour,  
And I'll be surety for his good behaviour.

## THE MONTHLY CHRONOLOGER.

MONDAY Feb. 27.



Remarkable trial came on last Friday morning before Mr. Justice Aston and a special jury, in the Court of King's Bench, Westminster, in which five persons were charged with a riot and conspiracy, in causing Mr. Macklin, the comedian, to be dismissed by the patentees of Covent Garden Theatre; when the jury, after being out about 20 minutes, brought in one of the defendants guilty of the riot, and the four others of the conspiracy. The verdict was accordingly entered up, and the defendants are to receive judgement the second day of the next term.

TUESDAY 28.

A letter from Jamaica mentions, that an English snow, Capt. Letcher, had lately arrived there from St. Eustatia; that in her passage, having met with a hurricane, she was driven on the coast of South America; and on attempting to enter the harbour of Carthagena, the guns from the fort fired on the snow; on which the captain immediately brought-to, and was boarded by the crew of an armed schooner, who stripped captain Letcher of his coat, waistcoat, and gold laced hat; on which a passenger addressed them in Spanish, and required to know their reasons for such inhospitable treatment: he received for answer, that the English were no better than pirates; that the governor had ordered that no English ship should enter that port; and accordingly obliged the snow to tack about and stand out for sea; although she was in the utmost distress, and in great want of water, they refused to give her the least assistance.

WEDNESDAY, March 1.

Last Sunday evening as some persons were going through Moorfields, a dog belonging to one of them was observed to scratch at a particular place, and his master could not get him from it: upon which they had the ground opened, when the body of an infant just buried was found, with its legs cut off, and lying by the body.

THURSDAY 7.

Yesterday No. III. of a periodical paper called the Crisis, and a pamphlet intituled, "The present Crisis with Respect to America," were, pursuant to an unanimous order of the House of Lords and Commons, burnt

by the common hangman at Westminster hall gate.

Previous thereto, the lord mayor issued his precepts, for summoning the constables of nine of the wards of this city, to attend the Royal Exchange at twelve o'clock, preserve the peace during the burning of the above pamphlet and periodical paper. There was a prodigious concourse of people, some of whom were at first very riotous; they seized and threw about the first brush faggots which were brought, and treated the city marsh and the hangman very ill; but more faggots being sent, which were dipt in turpentine they immediately took fire, and the pamphlet and periodical paper were soon consumed. Soon after the sheriffs and the other officers had quitted the place of execution, a man of decent appearance burnt, at the same place, a copy of the late address upon the American affairs, and the Birmingham petition.

THURSDAY 16.

On Tuesday afternoon Robert Rous, one of the turnkeys of the new gaol, Southwark, seeing a prisoner, who was committed there for different highway robberies, had tied round his fetters, was suspicious of some design, and ordered him to take them off, which he refused; Rous immediately seized them off, and found both his irons sawed through; upon which he secured him, and then sent up Charles Davis and Symonds to overlook a great number of prisoners who were in the strong room, and all fell on him with their irons which they had knocked off. Rous hearing of it, went up with a horse pistol, and extricated his fellow turnkey from their fury, and then locked the door; when all the turnkeys as well as constables surrounded the door and the yard when the prisoners fired several pistols loaded with powder and ball at two of the constables; the balls went through their hats. After which a serjeant's guard was sent from the Tower: in the interim, the outrages continuing, one of the constables who had a blunderbuss loaded with shot fired through the iron grates at the window which dangerously wounded one fellow committed for a burglary in the Mint. When the soldiers, with a serjeant's guard arrived and their muskets were loaded, the room was opened, and the prisoners were all secured.



775. of whom are chained down to the floor in the condemned room, and all yoked. Some of the people belonging to the prison were wounded.

MONDAY 20.

On Saturday morning about one o'clock a fire broke out at Mr. Hopkins's, hosier, the corner of Warwick-lane, in Newgate-street. The fire had made considerable progress before it was discovered, but not so far as to prevent Mrs. Hopkins nearly reaching the street door, when recollecting that she had left two of her daughters behind, she went up stairs; the fire had now got to so great a height as to prevent her return; she then, after some fruitless attempts to escape from the top of the house, no alternative but to fling herself from thence into a basket, which was held by the people below to break her fall; she fell upon her back, none of her limbs were broke, neither did she appear to be bruised, yet about four o'clock the same morning she expired. The eldest daughter, about 19, also threw herself from the street, and was dreadfully bruised. The younger daughter in town, about seven, together with her nursery maid, were burnt. A servant maid hung to the leads upon the roof till she was nearly suffocated, when she let go her hold, and fell into the street. She was very much bruised and sent to the hospital. The house of Mr. Newman, oilman, next door to Mr. Hopkins's, and that of Mr. Phillips's, tobacconist, the opposite corner, were considerably damaged. This accident, it is said, was occasioned by the falling of the chimney of the copper, in which a fire had been lighted when the servants went to bed. Mr. Hopkins was gone about 30 miles into Kent, in order to place one of his daughters (who were with him) in a school there. The account books were lost, but the stock in trade and furniture were destroyed.

WEDNESDAY 22.

This day the princess Carolina Augusta was carried out of town, and interred in the royal chapel, at Windsor, in a vault which has been provided there by his royal highness the duke of Gloucester for himself and his family.

FRIDAY 24.

Yesterday a court of common-council was held at Guildhall, when they took into consideration the adjourned motion, that the under-sheriff do pay to Major Miller 200*l*. for his last year's services, in officiating as marshal; and that he be allowed after the same rate, till a marshal shall be appointed. After some debates the motion was carried. The affair of the under-marshal was not brought upon the carpet.

SATURDAY 25.

Yesterday was found dead in his bed, at his lodgings in Bull-head-court, Jewin-street, an old man, who for upwards of 20 years

has not suffered any person to go into his room, and till within two days of his death went about in a most ragged miserable condition. After his death upwards of 50 guineas were found under his pillow, and a good deal of money in other parts of his room; he also had money in the public funds; he died without a will. When he walked out, his appearance being very deplorable, many people offered him money, but he would not accept of any, and generally expressed great resentment at their kind offer.

MONDAY 27.

Since lord Sandwich's last journey to Portsmouth, no foreigners are admitted into any of the dock-yards of this kingdom, without having a proper officer to attend them wherever they go.

About eight o'clock, a fire broke out at a rope warehouse in Narrow-street, Limehouse, which in five hours destroyed twenty-seven houses and two deal yards, together with the furniture, and every thing else on the premises. The flames were so rapid from the quantity of pitch, tar, rosin, old junk, &c. consumed, that the firemen could not venture near enough to give any effectual help; besides which, there was a great want of water for above an hour after the fire broke out, no body present knowing where the plugs lay, and the tide at that time being out. The chasm occasioned by the slip which goes down to the horse-ferry happily prevented the flames from spreading, so that with the assistance of 17 engines, the fire was got under by three in the morning. The same premises were burnt down about eleven years ago, when more than forty houses were destroyed.

Another account says, that near fifty houses were consumed, and that several poor housekeepers lost every thing they were possessed of.

TUESDAY 28.

About five o'clock yesterday morning two men brought two large bags full of goods, which it is imagined they had stolen from the fire at Limehouse, to a widow, who kept a publick house near Shadwell, and drank a pot of beer and called for another, but they being very much in liquor and abusive, she refused drawing it, upon which one of them struck her with a pot on the head, which fractured her skull, and she expired soon after. The villains escaped.

MARRIAGES.

*March* **A**T Marybone-church, Mr. Mer-  
vin Dillon, to Miss Goddard,  
the only daughter of Parke Goddard, Esq.  
and niece to Sir Henry Parker, Bart. of  
Talton, in Worcestershire.—5. At his house  
in North-Audley-street, Sampson Carter,  
Esq. to Miss Sophia Copplestone, daughter  
of the late Sir William Copplestone, of Ba-  
singstoke,



Wingstone, in Hampshire.—7. At Richmond, in Surry, Percival Seamount, Esq. steward of Chelsea College, to Miss Smith, of Richmond.—11. At St. George's church, Hanover-square, Alexander Leith, Esq. member of parliament for Tregony, in Cornwall, to Miss Cope, of Grafton-street. only daughter of the late lieutenant general Sir John Cope, Knt. of the Bath.—14. At St. Andrew's church, Holborn, John Grey, Esq. next brother to Sir Henry Grey, Bart. of Howick, in Northumberland, to Miss Wickett, of Dorset-court, Parliament-street.—17. At St. George's, Hanover-square, by the bishop of Bath and Wells, Sir Philip Hales, Bart. member of parliament for Downton, in Wiltshire, to Miss Smith, of Shrewsbury.—20. The Rev. Mr. John Cayley, rector of Terrington, to Miss Fanny Cayley, youngest daughter of Sir George Cayley, of Brompton, in the North-Riding of Yorkshire.—24. At his house in Portman-square, Colin Wallace, Esq. to Miss Briggs, daughter of Sir Joseph Briggs, of Wooborn, in Bedfordshire.

## DEATHS.

Feb. **A**T Nice, in Italy, the Rev. Dr. John Ryder, Archbishop of Tuam, in Ireland, in the 78th year of his age. He was created bishop of Killaloe in 1741; was translated from thence to the see of Down and Connor in 1743, and from thence to the archbishoprick of Tuam in 1752.—6. At the same place, where he went for the benefit of his health, the Right Hon. William Dowdeswell, Esq. one of his majesty's most honourable privy council, and knight of the shire for the county of Worcester.—*March* 2. Mr. Thomas Cole, steward of St. Thomas's Hospital.—5. Lady Christian Bruce, daughter of the deceased Thomas Earl Kincardine.—At his seat at Esher, in Surry, Richard Barwell, Esq. late high sheriff of the county of Surry.—7. At her seat in Hackham, in Norfolk, the countess of Leicester.—12. Aged upwards of ninety, at his house in Bloomsbury-square, the right hon. Sir John Rushout, Bart. a member of his majesty's most honourable privy council, and many years representative in parliament for the borough of Evesham. He is succeeded in title and estate by his only son, now Sir John Rushout, member in the last and present parliaments for the same borough.—14. At Dublin, Thomas Lehunte, Esq. representative in parliament for the borough of Newton, and one of the oldest members in the Irish house of Commons.—17. At his house in Duke-street, Westminster, in the 88th year of his age, William Lowndes, Esq. one of the auditors of his majesty's court of Exchequer.—19. At Catherine-hall, Cambridge, the Rev. Mr. Thorpe, senior fellow of that society, vicar of Harston, in Cam-

bridge, and one of his majesty's preachers at Whitehall.—At Bath, the Rev. Dr. Ashmole, late preacher at Lincoln's-inn, and rector of Botolph, Bishopsgate.—At Kilburn, in Scotland, the right hon. John Earl of Glasgow.—20. Of an apoplectic fit, the right hon. George Earl of Bristol, groom of the stole to his majesty: his lordship died without issue in the 53d year of his age, is succeeded in titles and estates by his next brother, the right hon. Augustus Hervey, commander in the navy.—21. Mr. Samuel Boyce, author of several poetical pieces.—23. At Bristol, where he went for the benefit of the waters, George Willmot, Esq. father to Sir Robert Willmot, Bart. and first clerk in the lord chamberlain's office.—24. At her house in Tilney-street, May-fair, the right hon. Lady Milford, daughter to the late Duke of Dorset, and sister to Lord George Germaine.

## BANKRUPTS.

**G**EORGE Collins, of King's Lynn, in Norfolk, merchant.  
Joseph Wilson, of Highfield, in the parish of St. Andrew, in Yorkshire, merchant.  
Ellen Whyte, of Liverpool, beer brewer.  
Thomas Jones and David Jones, of Fakenham, in Norfolk, merchants and copartners.  
Giuseppe Paganucci, otherwise called John Nuch, of Hart-Street, Covent Garden, merchant.  
Samuel Bayton, of Bearbinder-Lane, London, fishmonger.  
Edward Collins, of Norris-Street, Hay-Market, cheesemonger.  
John Kirby, of Ratcliff Highway, baker.  
Charles Webb, of Cold Ashton, in Gloucestershire, victualler.  
John Dunbabin, of Liverpool, bookseller and stationer.  
John Bucke, of Framlingham in Suffolk, brewer.  
William Kinleside, late of Mark Lane, but now of Bride-Street, apothecary.

## COUNTRY-NEWS.

*St. Columb, in Cornwall, Feb. 13.*  
**Y**ESTERDAY morning, between five and five o'clock, all the inhabitants of this town were alarmed by an awful and common clap of thunder, attended by lightning, acting with such extraordinary violence that the eastern pinnacle of the tower (strong and well-built structure) was torn shattered to pieces, and the timber, &c. the church much damaged. The stones of the pinnacle, of very considerable weight, were thrown upwards of 300 yards on every side of the tower, some over the houses into the fields and gardens, and others into the streets and extreme parts of the church-yard.

*Leeds, March 7.* A few days ago, a farmer at Morton-Banks, near Bingley, near to Henry Wickham, Esq. of Cotton Hall) was making a drain in a field, he fortunately discovered a copper chest, about 100 weight of Roman silver pieces, coined in 15 different periods, some of which are nearly as early as Julius Cæsar. They are about the size, but nearly three times thicker



775.  
 thickness of a sixpence, and the impressions  
 very perfect. There was also in the  
 a silver image, about six inches long.

*Reading, March, 11.* This day was com-  
 mitted to our gaol, by the mayor of Windsor,  
 one of the overseers of the poor of a certain pa-  
 cher, charged on the oath of John Bye, a pau-  
 per in the workhouse of that place, with cau-  
 sing one Howard (another pauper) to be put into  
 the workhouse, belonging to the said workhouse,  
 where he was allowed nothing but bread and  
 for his support, and where he remain-  
 ed from the 5th of February to the 3d instant,  
 when he died, as it is conjectured, through  
 the extreme hardships he underwent, and for  
 want of the common necessities of life.

## SCOTLAND.

*Edinburgh, March 17.* We hear that not-  
 withstanding the resolutions of the continen-  
 congress, a ship from Borrowstonness  
 with goods arrived lately at South Carolina,  
 and the goods were brought up by the people  
 at a high price.

## IRELAND.

*Extract of a Kilkenny, Feb. 25.*

The spirited association of the inhabi-  
 tants of Ballyragget, lately entered into  
 against the White Boys, together with the  
 pursuit made after them about ten  
 days ago, had irritated this lawless ban-  
 ditti to such a degree, that they vowed re-  
 venge, and swore they would murder the  
 people, and burn the town for daring to op-  
 pose them.

At length they received authentic informa-  
 tion, that the general attack would be made  
 on Tuesday night. The principal inhabi-  
 tants, with their wives and families, assem-  
 bled in the house of their landlord Robert  
 Butler, Esq; for their mutual defence and  
 preservation. About night-fall the riot-  
 ers began to assemble at the Fair Green of  
 Ballyragget, within a mile of Ballyragget,  
 and then they came in great numbers.

When they had settled their plan of op-  
 erations, they marched on towards Ballyrag-  
 get, their numbers computed to be about  
 100 horsemen and 200 on foot, all dressed in  
 white uniforms (except their leader) with  
 white sheet or table cloth fastened to a long  
 pole, for colours, several sorts of lights car-  
 ried before them, and some with lighted  
 brands of turf, threatening fire and devastation  
 to the whole town.

About three o'clock on Wednesday morn-  
 ing they arrived at the bridge of Ballyragget,  
 where they fired several shots, and challenged  
 the inhabitants to come out and fight them;  
 and on horseback then advanced into the  
 town, leaving the foot on the other side the  
 bridge, with orders to follow them if they  
 made any delay, and turning off to the left  
 to the Fair Green, they came down in full  
 to the house of Mr. Buller, which,  
 on the word of command, they fronted three

The captain then called out to the gentle-  
 men in the house to come and fight them,  
 that they were a pack of cowardly scoun-  
 drels, and repeatedly dared them to fire out  
 of the windows; at length he fired a shot thro'  
 one of the windows; this shot was succeeded  
 by four others, which happily did no mis-  
 chief; and was immediately returned from the  
 house by the discharge of five muskets  
 charged with slugs, and two charged with  
 ball, every one of which did such execution  
 that the White Boys retired with the greatest  
 precipitation.

The captain attempted to rally his scatter-  
 ed forces, but in vain; thereupon he took  
 a book out of his pocket, and swore he  
 would return that night sc'nnight, and burn  
 the whole town.

In this attack several of those daring riot-  
 ers were killed and wounded. Patrick But-  
 ler and Michael Travers, of Freshford, were  
 killed on the spot, and their bodies found in  
 the street; six horses were killed, and some  
 guns and pistols were thrown into the river  
 by the White Boys, and found the next  
 morning.

## AMERICAN AFFAIRS.

*Boston, Jan. 6.* About a week ago 150  
 of the town of Marshfield entered into Ge-  
 neral Ruggles's association against the liberty  
 plan; when this was known at Plymouth,  
 the faction there threatened to come down in  
 a body, and make them recant, or drive  
 them off their farms; on this the Marsh-  
 field associators sent an express to General  
 Gage, to acquaint him with their situation  
 and determination, and to beg his support;  
 this was readily granted them, and a captain,  
 three subalterns, and 100 private men, were  
 immediately detached on board two small  
 vessels to Marshfield, where they landed  
 very quietly last Monday, and when the last  
 accounts came away, there was no appear-  
 ance of the Plymouth rebels.

The detachment carried with them 300  
 stand of arms, for the use of the gentlemen  
 of Marshfield; 150 more having joined the  
 first associators, on advice of the Plymouth  
 threatnings; the whole 300 have solemn-  
 ly engaged themselves to turn out in case of  
 an attack.

*New York, Feb. 2.* Last Monday the hon-  
 ourable house of assembly unanimously agreed to a  
 motion to state the complaints of the colony,  
 and ordered a petition to his majesty, a me-  
 morial to the house of peers, and a repre-  
 sentation and remonstrance to the house of  
 commons, to be forwarded to England.

We hear from Brookhaven, Suffolk Coun-  
 ty, that Major General Floyd found, on a  
 strict enquiry, 100 good men in the company  
 of that township to support the king and his  
 government. All the above persons signed a  
 petition to the General Assembly, expressing  
 that they will entirely abide by the old con-  
 stitution, viz, the Governor, Council, and Ge-  
 neral



neral Assembly of this province, without any regard to the proceedings and determinations of the continental congress.

### FOREIGN AFFAIRS.

**L**ETTERS from Constantinople mention, that a large caravan from Bagdat, consisting of 1500 laden camels, going to Damascus, was plundered near Palmyra by Sheck Tyawr, chief of the Amizy Arabs; 600 Persians who accompanied it, going to Mecca, were likewise stripped, amongst whom were some persons of distinction. It is said 200 persons died of the cold after the caravan was plundered. The loss of this caravan is said to be very great, and falls heavy on the merchants of Bagdat, Bussora, Damascus, Aleppo, and Constantinople.

On the 12th of last month, his Sardinian majesty declared the intended marriage of his royal highness the prince of Piedmont with the princess royal of France. There was a grand gala at court on Sunday, Monday, and Tuesday, and the whole town was illuminated.

Authentic advices from Paris mention, that the plans laid by Mr. Turgot meet with

great difficulties, and notwithstanding all his care and economy, the expences of the court are so great, that they have been obliged to draw upon the farmers general, who have already paid two years revenue in advance.

It is now certain, that on the 14th of February, Cardinal Braschi was unanimously elected pope. He has now assumed the name of Pius VI. The following is said to be the true character of the new pope. Jean Angelo Braschi was born at Cesena the 27th of December, 1717; his family is one of the noblest of the province of Romania, and have in their arms, the Eagle and the Fleur de Lys. This pontiff, who is a very fine person, has a great share of sense, vivacity, and knowledge. Benedict XIV. who esteemed him much, confided several important employments to him, in which he always distinguished himself by his disinterestedness and exactitude. Though he never possessed but a small fortune, he knew how to find opportunities to shew the generosity of his heart, and his taste for magnificence; besides these great qualifications, he is extremely pious, and possesses no spirit of party. All these virtues united, justify the universal applause at his being exalted to the pontifical chair.

### To our CORRESPONDENTS.

**HARLEQUIN**—Amelia's relation of her unhappy marriage—and other favours of our Correspondents, were obliged to be deferred on account of the necessity of length and present importance of the Political Debates, and American Papers. They shall be inserted in our next, as shall an account of the Scotch Universities.

The List of contested elections for representatives through the kingdom, at the general election, with the number of votes for each candidate—and the Lists of the petitions which have been determined in parliament, and of the members returned since the general election, are postponed to next month, in order to make them more complete.

The number of new plays which have been produced this season, the Prologues and Epilogues of which, we thought would be welcome to our subscribers, we hope will be a sufficient apology to our poetical correspondents for the omitting many of their original Essays.—We shall now be able to gratify them in their turn.

W. Farley's verses on Friendship are received—and also Christian on persecution and liberty of conscience, and the letter signed T. Palmer.

Juvenis's lines on Valentine's day, shall be remembered against the next approach of it.—T. B's observations are good for nothing.

A Constant Subscriber does not appear to have well considered the invention and description in our Magazine for February. His proposed improvements suggested themselves to the inventor, but as simplicity, cheapness, and use are to be jointly considered, the present plan was adopted. The proposed method of fixing the down-balter would prevent so ready an assistance being given to the lower as well as upper apartments.—The iron hoop and claw renders it needless to cut the foot of the pole.

Any further hints tending to render this machine more complete will be thankfully received and candidly considered.

S. Peppin's favour is come to hand.